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TABLE OF CONTENTS

Articles

Democratic Culture and Digital Ecosystems: Women's Political Participation in Latin America, 14
Lucia Picarella

Potential Effects and Concerns of the Agreement Between Italy and Albania on Managing Migratory Flows, 28
Rezart Bushati, Emanuela Furramani

The Impact of Liberalized Concealed Carry Laws on State Homicide Rates, 44
K. Alexander Adams

The Role of Civil Defense in the Republic of Serbia's Crisis Management System, 66
Milica Mladenovic, Nenad Komazec, Sinisa Domazet

The New Trend in the EU's Migration Policy: Is Externalization Any Better?, 88
Vasil Pavlov, Raquel Cardoso

The India-US Security and Defense Cooperation under Narendra Modi: Challenges and Assessments, 111
Hue Quach Thi, Hang Nga Le Thi, Nguyen Thi Oanh

Signaling in Minilaterals in the Indo-Pacific: The Cases of Quad and AUKUS (2017-2022), 131
Poornima Vijaya

Iron Brothers: The Strategic Bond between China and Pakistan, 149
M Jashim Uddin

Book Reviews

The 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol (2nd Edition), 169
Edited by Andreas Zimmermann, Terje Einarsen, and Assistant Editor Franziska M. Herrmann
(Publisher: Oxford University Press 2024)
Mohammad Ramin Hakimy



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Democratic Culture and Digital Ecosystems: Women's Political Participation in Latin America

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Abstract: *This article investigated the increase of online hate speech practices in Latin America against women social leaders and political candidates during electoral campaigns and social rights activism. A qualitative approach was used to study this research problem (case study and secondary data analysis) to demonstrate that the growth of online hate speech limits the sociopolitical participation and enjoyment of fundamental rights of Latin American women social leaders and political candidates. The main results of the case study demonstrated that critical digital media education represents a possibility of intervention to counterbalance these discriminatory online practices. In this sense, the conclusions proposed Latin American educomunicación as a methodology for constructing ethical, social, and political alternatives because it promotes the development of critical collective consciousness and strengthens the effectiveness of normative actions.*

Keywords: *Digital Ecosystems; Platformization; Globalized Society; Freedom; Hate Speech; Women; Latin America*

INTRODUCTION

In contemporary globalized societies, the issue of the effects of digital technologies and ecosystems on democratic processes, communication, and respect for individual and collective digital rights and freedoms leads to essential debates and considerations. A flexible logic, immediate virality, the possibility of anonymity, and the creation of fake or fictitious accounts have all amplified the risks of restricting individual freedoms and rights. This is because they have exacerbated - in the online world - practices that date back to antiquity, such as censorship, ostracism, and dissemination of disinformation and fake news. In online reality, social relations create forms of sociality characterized by mercified, anesthetized interactions denying any otherness. The communicative process, understood as dialogue and confrontation, is emptied. Subjectivities become "public", atomized into polarised blocs, shaped and unified by a dominant social narrative diverting attention from the relevant issues. Contemporary globalized societies are undergoing unprecedented challenges. If, on the one hand, digital ecosystems and new technologies can promote democratization and socio-cultural and institutional progress, the widespread dissemination of digital content requires critical analyses of the circulation of illegal or false publications. This also leads to the need for a balance between platforms/Artificial Intelligence (AI) and the guarantee of protection of human dignity and freedoms. The proliferation of disinformation through fake news, digital violence, hate speech, and practices of cancellation and censorship foster social polarization and fragmentation (Picarella 2024).



Consequently, this creates complex interactions that weaken democratic processes and institutions. In this context, online hate speech and information disorder are not only interrelated but also create a new disinformation status quo that obeys neoliberal logic and practices (De Blasio and Sorice 2023). Even if the birth of the hate speech phenomenon originates in the offline world, in actual digitalized societies, domination-aggression relations are built, viralized, and permanently established in digital ecosystems. According to Donato, Eslen-Ziya, and Mangone (2022), it is a mistake to think that expressions of hate in virtual reality do not produce effects since they are mere “online”. On the contrary, online hate has tangible effects, even if hidden behind a virtual society’s multifaceted world. The exponential growth of the online hate speech phenomenon, linked to global trends due to long-term mutations concerning culture, common meanings and identities, communication processes, and new dominant technological elites, generates concerns and considerations on the need for joint efforts at multiple levels to deal with these dynamics. It is a trend that seems uncontrollable due to the controversies it raises about the regulatory framework between combating hate speech and guaranteeing freedom of expression. There is also the difficulty of controlling the effects that the rapid reproduction and amplification of online hate speech generate on emotions and significations of identity and otherness, as well as on the tension between democratizing the public sphere and restricting individual and collective freedoms. In Latin America, the geographical area I present as a case study, despite the intentions of normative regulation, which adds to the opposition between the regulation/freedom of expression, the problems of the impossibility of a common regional framework due to the differences between countries in terms of requirements and minimum standards of definition and the demand for a causal link between the speech and the violent act (Díaz Hernández 2023), there is a strong wave of misogynist and sexist online hate speech, especially during popular elections or rights demands such as the decriminalization of voluntary abortion.

This trend increases the polarization of relevant social achievements. It pushes towards a significant limitation of women’s participation and individual freedoms, thus creating a worrying cyber-violence scenario through the extremization of online hate speech. This article aims to evaluate the possibilities in the Latin American context of complementing the efforts of a legal and regulatory discipline with the construction of a socio-cultural process capable of producing counter-narratives that allow for a crossroads between offline and online realities through critical media education as a possible solution to the better understanding and use of technologies. The aim is also to counterbalance the current dynamics that destroy democratic dialogue and reduce the spaces of democratization.

METHODOLOGY

This article employed a qualitative approach based on the case study and a secondary data analysis to demonstrate that the growth of online hate speech limits the sociopolitical participation and enjoyment of fundamental rights of Latin American women social leaders and political candidates. The case-study approach, supported by secondary data, focuses on a detailed examination of events that occurred during popular election campaigns characterized by misogyny, sexism, and online hate speech. The qualitative approach is appropriate for testing or developing theories because it allows for conceptual validity, facilitates the exploration of

causal mechanisms in individual cases with fine detail, aids in deriving new hypotheses, and accommodates complex causal relationships (George and Bennett 2004). The use of case-study methods in national and international relations is a valuable methodology for various reasons.

Bennett and Elman (2007) note that the importance of qualitative methods lies in the fact that “case study methods, especially the combination of process tracing and typological theorizing, have considerable advantages... these methods’ advantages [are] in studying complex, relatively unstructured, and infrequent phenomena that lie at the heart of the subfield (p. 171). The prominence of case studies is well justified in the context of this article, as they help identify interactions between variables while establishing a chronological sequence of events. The choice of Latin America as an interesting case study stems from its demonstration of how online hate speech, particularly toward female social or political leaders and activists, intensifies, especially during electoral campaigns or moments of social rights activism. This case provides a clear example of how discrimination and violations of women’s rights can occur across various states and highlights the need to develop strategies to reduce or eliminate these effects.

STATE OF THE ART: DEMOCRATIC CULTURE, (DIGITAL) LIBERTIES AND HATE SPEECH

The extremism that arises in digital ecosystems through the uncritical imposition of linguistic and behavioral codes (defined as “politically correct”), the dynamics of cancellation and deletion of messages and accounts considered not in line with what is considered “correct”, along with disqualification campaigns fuelled by online hate speech is transferred from the virtual reality to the real world, with it causing not only the public destruction of the person affected but also the erosion of the democratic pillars of respect, confrontation, and dialogue. The United Nations (2024) defines hate speech as “any expression that incites discrimination, hostility or violence towards a person or group of persons on the basis of their ethnic, national, religious or linguistic origin, gender, sexual orientation or disability”. The European Union’s Recommendation CM/Rec (2022) considers hate speech as “all types of expression that incite, promote, disseminate or justify violence, hate or discrimination against a person or group of persons, or that denigrate them, by reason of their real or perceived personal characteristics or status, such as race, colour, language, religion, nationality, national or ethnic origin, age, disability, sex, gender identity and sexual orientation”. Similarly, according to the Inter-American Commission on Human Rights (2023), hate speech is defined as “any written or verbal manifestation that incites, promotes, propagates or justifies discrimination, harassment, contempt or violence against a person or group of persons based on their membership in a social group protected by international human rights instruments”. Therefore, the trademarks of hate speech are generalization, discrimination, and intolerance. The resulting stigmatization and exclusion influence the construction of specific identities and social and political representations (van Dijk 1993) that, based on the binary logic of inclusion/exclusion, generate attitudes and manifestations of fear, rejection, and hostility in public opinion (Bauman 2000). The communicative dynamic that characterizes hate speech is distorted and limited to the polarised “bubble” built on the person or group. This significantly reduces - to the point of inhibiting - a conscious and critical public debate. The shift from the offline to the online world has imposed a complex “restructuring” of the concept of the public sphere. Ever since the theorizations of the Frankfurt School, the critical, authentic, and liberating potential offered by the presence of a

democratic public sphere has been emphasized. The public sphere is the space of the “collective intelligence” (Dewey 1946, 219), i.e., the place where, through a bottom-up dynamic, a reflective and critical bond is established between the members of the community utilizing dialogical forms of social communication that favor the correct practice of public deliberation, a greater argumentative consciousness, a differentiation of perspectives that allows better solutions. Along these lines, the famous vision of the public sphere as the social space of critical active citizenship capable of opposing forms of domination through communicative relations that can establish counter-power (Habermas 1991). The restructuring that causes the transition from the public sphere to the digital public sphere (Bruns and Highfield 2016) makes considerations on the impact on culture and democratic freedoms even more pressing. Digital ecosystems can stimulate the emergence of online forms of activism and participation, but the dark side of social networks and platforms cannot be ignored. For example, controversial censorship and cancellation practices significantly reduce the democratization of public space, while platformization increases depoliticization, saturates public discourse, and facilitates the overlap between techno-populism and direct e-democracy (De Blasio and Sorice 2018). Furthermore, in digital spaces, information, and communication often overlap (Solito and Sorrentino 2019) with the frequent replacement of professionals with influencers and the resulting fake news and disinformation. There is also a downgrading from citizen to consumer, which is functional to the “techno-enlightenment/economic liberalism” mix (Boccia Artieri 2012).

The issue of hate speech fits into this complex scenario since it represents a clear manifestation, invisible but invasive, of the spread of social hate that, while destroying social relations and critical consciousness, lubricates “surveillance capitalism” (Zuboff 2019). This is even more evident in the case of online hate speech, where the destructive power of real language content is compounded by the (as yet virtually unknown) power of micro-narratives, classifications, and legitimizations generated by anonymous accounts and statistical algorithms. Who creates discriminatory or hate hashtags? The phenomenon of hate speech online leads to reflecting on the dilemma of assumptions between those who consider these dynamics as spontaneous products of users and those who consider them strategies of distraction by elites and dominant forces (or aspiring to be) to decide and check the agenda. This dilemma leads to the analytical spiral between the supporters of the so-called “platform society” (van Dijck, Poell, and De Waal 2018), who, with optimism, see in digital ecosystems new possibilities of democracy, and those who analyze the numerous and varied “conspiracy theories” from various perspectives, along with their narratives and speeches of hate and discrimination to evaluate how they affect the rhythm of socio-political and socio-cultural trends (Gualda Caballero 2024). It is therefore understood that the debate on online hate speech goes far beyond the problem of using an offensive term but requires an analysis “on the context in which discriminatory symbolic actions get meaning (...) actions carried out by statements” (Sponholz 2022, 131). Online hate speech influences social relations and civic commitment modalities and forms. If narratives can produce a social transformation because they influence the individual and collective decisions of the present and, thus, change future perspectives (Mangone 2022), what is spread and read in the online world merely reflects how we relate to each other. This must be changed through a conscious and critical understanding of how net-reality functions and developing a social counter-narrative and a counter-alternative discourse.

HATE SPEECH AND WOMEN'S POLITICAL PARTICIPATION IN LATIN AMERICA

In line with what Crosas Remón and Medina-Bravo (2019) have pointed out on the global increase in forms of anti-feminist cyber-violence manifested through social platforms utilizing insults, sexual objectification, sarcasm, threats and hate, various studies in Latin America have shown how online hate language in particular towards women social or political leaders and activists takes on a high intensity, especially during electoral campaigns or during moments of social rights claims. This makes Latin America an interesting case study to analyze, with the support of examples drawn from the social reality of societies within this geographical area.

The problem of online hate speech is much more silent and damaging than people think. In socio-cultural contexts such as Latin America, strongly polarised, ideologized, and characterized by acute expressions of gender-based violence, hate speech promotes extreme socio-cultural behavior patterns and severe limitations on individual freedom that need to be urgently addressed. Through Resolution 73/183 of 2019, the UN General Assembly sought to create an international framework of specific measures to counter hate speech on digital platforms through the #NoToHate campaign. 18 June has been established as the International Day Against Hate Speech to raise consciousness of the causes and impact that hate speech can have on people. Given the international framework, many Latin American countries have created or strengthened national laws with penal and civil sanctions to combat offline and online hate speech (Alkiviadou, Mchangama, Mendiratta 2020). However, several important questions remain unanswered since most countries in the region either lack a solid corpus of jurisprudence or are just now moving forward to make it more effective. However, a sanctions-only approach to solving the problem seems rather sterile since the complexity of offline/online interactions and ecosystems and platforms - and especially their speed of development and updating - evades and advances much faster than any attempts to control and manage it. What needs to be focused on is not stigmatizing differences of opinion but rather the urgency of promoting a fundamental cultural change. This will create a process in the society of not only recognizing and understanding the differences and freedom of expression but also a critical knowledge of digital ecosystems and platforms, along with an awareness of the impact of certain manifestations, such as hate speech and online censorship, on people's rights, which would make regulatory provisions more effective by building informed citizenship capable of challenging any form of discrimination and hatred. Returning to Latin America and, thus, to the case study, Gómez Berniga and Quintana Pavlicich (2023) highlighted, for example, that cyber threats and online hate speech against women candidates in Paraguay not only violate people's privacy because not only do they increasingly include doxing and dissemination of personal images without consent but they have an even stronger impact on women because they discourage and limit women's social and political participation and expose women to greater risks to their physical integrity. According to the authors' analysis, in the first trimester of 2023, 50% of women candidates were victims of doxing, 31% of hate speech, and 18% of harassment. Overall, 98% of women politicians were subjected to some form of digital threat. The report by the Mexican organization *Luchadoras* (2018) shows particularly alarming patterns of digital aggression against women candidates, referred to as a "chain of attacks", that typically begins with doxing, followed by the manipulation of information and dissemination online coupled with discriminatory hashtags, reputational biases, and hate speech. Thus, the candidate is exposed to

public attacks (insults that often extend to family members and co-workers). Similarly, Herrera, Arias, and García's (2010) analysis of female candidates and authorities at the municipal level in El Salvador and Ordoñez, Espinoza, and Vizúete's (2023) study for Ecuador show that the main hate messages against women involved in politics at various levels are directed at ridiculing, discriminating, sexually objectifying and censoring them. This creates a climate of hostility that normalizes a structurally violent culture. Undoubtedly, gender-based online hate speech manifests itself in various ways. In the Latin American context, political elections have turned into an important area of hate speech against women, to the point of transforming it into a significant form of gender-based political violence because it does not limit itself to isolated messages but, given its structural and systemic characteristics, "it influences both public opinion and women's political careers, representing a symbolic obstacle to the full exercise of their rights" (Macías and Valdespino 2019, 8). Along with elections, another area of interesting online hate speech against women has been the expansion of the *Marea Verde* in Latin America, i.e., the strong claims for legal abortion by feminist movements in the region, especially in the last decade. The studies by Zuban and Rabbia (2021) in Argentina, by Knipp Silva (2021) in Chile and Argentina, and by Proaño and Aguayo Zurita (2022) in Ecuador all show how online hate speech occurred during the fiery moments of the *Marea*, mainly through X (ex-Twitter). Based on these studies, it is possible to construct a categorization of the forms of manifestation of online hate speech in the analyzed countries, directed primarily at the delegitimization and infantilization of claims through the hashtags: *#caprichosas* (capricious); *#desquiciadas* (unbalanced); *#psicópatas* (psychopathic); *#retrasadas* (retarded); *#femilocas* (union of feminist + crazy). Criminalization, secondly, characterizes the hate language with the hashtags: *#asesinas* (murderesses) and *#feminazi* (from the union of feminists + nazis). Whereas stigmatization and insults are issued with the hashtags *#putas* (prostitutes); *#desenfrenadas* (unbridled); *#rataenferma* (diseased rat); *#marimacho* (lesbians). In many cases, the messages were reinforced by sarcastic digital content (memes) or photo-fakes that emphasized the analogy between abortion and murder.

EVIDENCE FROM THE CASE STUDY AND DISCUSSION

These examples demonstrate the issue's complexity since they contrast to freedom of expression/privacy, freedom of expression/respect for personal reputation, and freedom of expression/right not to be discriminated against for gender or membership of a minority or community. In the current globalized and platformed societies, it is crucial to consider the different possibilities of harmonization between democratization, freedom of expression, respect for differences, and otherness, which is essential to protect democratic values and culture. Alongside legal and institutional measures, the civic and socio-cultural aspects may represent a relevant possibility of intervention.

The boundary dividing the real from the virtual world is becoming increasingly intangible and blurred. Online reality is a powerful megaphone that amplifies stereotypes and prejudices. It leaves indelible marks since the multiplying action with which, with little or no consciousness, videos, photographs, or messages are retweeted or reposted has profound consequences on people's lives and freedom. Platforms and social networks reflect reality, so we need to operate in real society to structurally eradicate the symptoms of the trends and dynamics reflected on social networks. Taguieff (2001) argues that instead of merely banning or censoring hate speech,

it is necessary to address the roots of the problem through education and public conscientization. The radicalization of the models and practices of neoliberalism and capitalism has emptied the public sphere and democratic institutions of their capacity to produce common meanings and subjectivities. This is even more relevant in the view of the operating logic of the platform society, where algorithms shape personal and social relations. Latin America, between models of progressive neoliberalism (Fraser 2017) or of the more current woke capitalism, and structural issues that severely limit the institutionalization of the state and social justice could play an important role in constructing critical cultural and educational counter-discourses. The region has historically based its claims for rights and social freedoms on Freirean practices of critical education/pedagogy, i.e., oriented towards the liberation and conscientization of the oppressed, excluded, and marginalized (Freire 2005). Applying these visions to digital ecosystems, the reflection transcends the level of communication and is based on the socio-cultural and socio-political aspects. It is also set in a context of strong inequalities, material precariousness, and structural gaps in the opportunities for access to digital media. In the light of digitalized scenarios, the Latin American critical reflection on *edukomunikación* (Aparici 2010) may represent a relevant practice aimed at building participatory communicative ecosystems where critical conscientization is strengthened to form aware citizens because the action of producing (digital) content is not synonymous of active and democratic participation. Latin American critical media education emphasizes the understanding of the hegemonic forms of production and dissemination of messages, information, and content, the interconnections between power, communication, the market, digital ecosystems, and platforms, the confusion between social relations and connectivity, and the effects that the simple actions of blocking, canceling, and stigmatizing through hate messages produce on an individual and collective level in terms of limiting the full expression of the concept of culture and democratic freedom. By emphasizing the importance of fully observing these dynamics in a critical and conscientious sense, the vision of Latin American critical *edukomunikación* could suggest a meaningful praxis of educational counter-discourse and liberalization against instrumental narratives, thus able to counter the subjugation to the dark dynamics of globalized social platformization.

CONCLUSION

The case study described in this article showed the violent use of online hate speech against Latin American women, social leaders, and political candidates during election campaigns and in social rights activism. The rise of this practice in the Latin American scenario is a form of restriction on women's freedom of social and political participation, generally framed in the general category of gender-based violence. This study has indeed shown that online hate speech against women or political leaders during some social protests occurring throughout the region, such as the *Marea Verde*, or during some political second-order elections, takes heterogeneous forms. The tweets given as examples allowed a basic categorization of the forms of manifestation of online hate speech in the analyzed countries (stigmatization, delegitimization, sarcasm, criminalization) and also allowed a more extensive view of the worrying viralization of the expression of (cyber)violence through online hate speech because in many cases the different categories intertwine and complement each other, reinforcing the hate message. The logic and functioning of digital platforms and digital ecosystems contribute

(mainly due to anonymity, the possibility of creating fake accounts, the rapid transmission of the flow of information, etc.) to constructing an expressive and emotional “space” that influences subjectivity and collectivity.

Effectively, it is a fragmented and polarising virtual space that blurs the boundaries between freedom of expression and non-discrimination on racial or gender basis. The implications of this analysis are more extensive than individual case studies and enable us to introduce initial reflections for future debates and research on this issue. In this sense, the analyzed case study highlights the importance of developing regional and national research on the conscious use of digital platforms and digital ecosystems through multidisciplinary approaches. In particular, greater attention to the spread in social networks of hate speech against women social or political leaders (and more generally against any other minority) could favor in Latin American countries a strengthening of the normativity and institutional actions to address the problem more effectively and would allow a better understanding of the new dynamics and practices that arise in the virtual space but have a strong influence in the real world because they challenge conventionally established rights and freedoms. Undoubtedly, online hate speech results from the anesthetizing articulation typical of the communicative processes in social networks, which offer the possibility of transforming subjects into digital objects detached from their individuality.

Underestimating this problem distances us from the possibility of achieving greater levels of democratization and social responsibility. In this sense, as a basis for observation of this problem, Latin American *educomunicación* is proposed as a methodology for the construction of ethical, social, and political alternatives because it provides the possibility of recovering dialogue and responsible and conscious confrontation, of building together practices directed towards self-respect and respect for others, of constructing a horizontal and critical exercise in the use of digital media that, in collaboration with institutional and legal strategies, could offer proposals for solutions transcending geographical limits.

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Potential Effects and Concerns of the Agreement Between Italy and Albania on Managing Migratory Flows

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Abstract: *The recent Memorandum of Understanding concluded between Italy and Albania for cooperation in the migration field has caused strong criticism. This agreement has raised many doubts regarding its compliance with the Albanian Constitution, specifically concerning the procedure required for concluding international agreements relating to the concession of the territory to foreign powers and the protection of human rights. Recently, the Albanian Constitutional Court decided that the Protocol does not violate the Constitution. This study aims to highlight the critical issues related to fundamental rights protection, particularly regarding the issue of which state will be responsible for human rights protection according to the ECHR. Another profile to consider is the determination of Albania as a safe place, considering that the agreement aims to transfer people rescued in international waters by Italian military vessels into Albanian territory.*

Keywords: *Migration; Place of Safety; Search and Rescue; Human Rights; Albanian Constitution*

INTRODUCTION

The migratory flows have increased steadily in recent decades, making it difficult for European countries to manage. One of the strategies designed by some European states to discourage migrant flows is the stipulation of agreements with third countries for transferring migrants rescued at sea, pending the evaluation of the asylum request. The recent Memorandum of Understanding (MoU) concluded between the Government of the Republic of Italy and the Council of Ministers of the Republic of Albania regarding the cooperation in the migration field raised significant political and legal discussions (Masera 2023; Testi 2023; Albanian Constitutional Court, Press Release 2023). The constitutional legitimacy of this agreement has been presented due to the numerous concerns it has created regarding its compatibility with the Albanian Constitution.

One of the most discussed and contested issues in Albanian doctrine is Article 3 of the agreement, which establishes that the Italian State will use part of the Albanian territory to construct structures suitable for hosting migrants in Shëngjin and Gjadër. Another widely debated issue is the procedure for concluding international agreements. In this context, members of Parliament have alleged a lack of adherence to the negotiation and signing procedures, citing the Protocol as an example of an agreement that necessitates the President of the Republic's authorization following Article 121 (1) (a) and (b) of the Constitution due to its territoriality and fundamental rights implications (Alb. Const. Court, press release 2023).

In a strongly contested final ruling on the subject, the Albanian Constitutional Court declared that the deal did not violate the Albanian Constitution. In the opinion of the Court, the agreement does not exclude Albanian jurisdiction in these areas of the territory (Alb. Const. Court, Decision No. 2, 29 January 2024, para. 49, 63). There are also no limitations on fundamental human rights under the agreement (Alb. Const. Court, Decision No. 2, 29 January 2024, para. 64).

The agreement concluded between Italy and Albania must be analyzed from different perspectives. If we refer to Albania, the agreement must be evaluated in light of the concession of part of the territory of the Albanian state to another state, even though the Albanian Constitutional Court, in its contradictory decision, considered that the agreement does not exclude the Albanian jurisdiction (Alb. Const. Court, Decision No. 2, 29 January 2024).

Differently, as regards Italy, the issue is more complex, considering that the agreement must be evaluated from the point of view of respect for human rights (Masera 2023), in particular concerning the principle of non-refoulement and compliance with internal, international, and European Union legislation (Rijtano 2023). Another profile to consider is the determination of the PoS (place of safety) in the specific case, as the people transferred to these centers will be those rescued in international waters by Italian military vessels.

LITERATURE REVIEW

There are many international conventions aimed at protecting the rights of migrants, among which the SAR Convention adopted in November 1974 and the International Convention for the Safety of Life at Sea (SOLAS), which refer to search and rescue operations at sea and ensure assistance to persons in distress at sea (Cottone 2016, 101). States that ratify the SAR Convention are specifically required to rescue and assist people in distress at sea. This duty includes providing first aid and other care, as well as disembarking shipwrecked people in a safe place within a reasonable time (Camarda 2007; Antonucci, Papanicolopulu, and Scovvazzi 2016, 67–68; Paleologo 2018, 222; Cass. Pen., sez. III, n. 6626/2020, Rackete case).

Other international and European instruments prohibit the repatriation of asylum seekers to their country of origin or to a third country where their life or physical or mental integrity is in danger (McEldowney 2023; Salamone 2011, 108–127; Antonucci, Papanicolopulu and Scovvazzi 2016, 68–69; Mussi 2023, 105), including the 1951 Geneva Convention on the Status of Refugees, which obliges States parties to the Convention to refrain from transferring asylum seekers to nations where their life or physical integrity could be in danger (Paleologo 2018, 218). This prohibition is known as the principle of non-refoulement.

The impact of the agreement between Italy and Albania on the fundamental rights of immigrants has been the subject of debate in both doctrine and jurisprudence (Gentilucci 2023; Occhipinti, 2023; Rijtano 2023; Masera 2023; Testi 2023; Alb. Const. Court, press release 2023). The deal is frequently compared with the one reached by the UK and Rwanda, which has been declared by the British Supreme Court in violation of relevant international agreements (McEldowney 2023; Casciani and Seddon 2023). This British Supreme Court stated that since Rwanda is not considered a safe country, immigrants may be the target of torture or other cruel treatment (AAA (Syria) and Ors, R. v Secretary of State for the Home Department [2023] UKSC

42, 15 November 2023; McEldowney 2023) or being returned to their country of origin, which is against international law (McEldowney 2023).

Nevertheless, the two agreements consist of different elements, considering that the Protocol between Italy and Albania provides that Italy has the task of evaluating and managing asylum requests presented by asylum seekers (Masera 2023), differently from the agreement concluded between the United Kingdom and Rwanda, according to which the Rwandan authorities have the task of evaluating asylum requests.

METHODOLOGY

The primary purpose of this study is to analyze the different doctrinal and jurisprudential perspectives related to the Memorandum of Understanding (MoU) that Albania and Italy reached regarding cooperation in the migration field. There are three sections to this elaboration: The first systematically examines the provisions of the agreement and the orientation of the Albanian Constitutional Court regarding the latter. The second conducts an in-depth examination of international regulations for determining the search and rescue zones and the principle of non-refoulement of asylum seekers. Meanwhile, the third part concerns the comparison between the agreement concluded between Italy and Albania and the agreement reached between the United Kingdom and Rwanda.

This study uses qualitative research methods to analyze the regulatory framework and jurisprudential orientation on the provisions of the agreement between Italy and Albania and the possible implications of its implementation.

ITALY-ALBANIA PROTOCOL ON MIGRANTS: CRITICAL ISSUES

The Memorandum of Understanding (MoU) concluded on 6 November 2023 in Rome between the Council of Ministers of the Republic of Albania and the Government of the Republic of Italy relating to collaboration in migration matters has provoked great political and legal debates (Gentilucci 2023; Occhipinti, 2023; Rijitano 2023; Masera 2023; Testi 2023; Alb. Const. Court, Press Release 2023).

In particular, the MoU is aimed at managing migratory flows directed to the Italian coasts, providing for the construction of reception centers in Albanian territory for migrants rescued in non-European waters (Gentilucci 2023; Occhipinti 2023) by the competent Italian authorities. The Protocol provides that the migrants will remain in the centers located in Albanian territory for a maximum period of 18 months for the sole purpose of carrying out the border or repatriation procedures required by Italian and European legislation and for the time strictly necessary for them (Article 4.3 of the Protocol) until the evaluation of the asylum request by the Italian state (Liboreiro and Genovese 2023). Based on the agreement, the reception centers will be managed by Italy, while Albania will only take care of their external surveillance (Article 6, para. 2 of the Protocol). Migrants are allowed to leave the camp only when necessary—for example, when medical assistance is needed—and even then, only if accompanied by the relevant authorities. According to Article 6, paragraph 6, the Albanian authorities must turn over any migrants who leave the camp without permission to the Italian

authorities. The Italian State will bear all expenses spent by the Albanian authorities during this operation.

One of the issues most discussed by Albanian doctrine, also considered a cause of constitutional legitimacy, is Article 3, which provides that the Italian state will use part of the Albanian territory to construct structures suitable for hosting migrants in Shëngjin and Gjadër.

Article 4 of the MoU establishes the maximum capacity of the two reception centers within a limit of 3 thousand migrants. The second paragraph provides that the centers managed by the Italian State will host migrants while awaiting the assessment of their asylum request by the Italian State authorities. The jurisdiction over asylum applications has been assigned to the territorial commission for the recognition of international protection in Rome, along with the sections to be precisely established. Concerning appeals, the jurisdiction has been assigned to the Immigration Section of the Court of Rome and the Judges of the Peace of the Capital. Twenty courtrooms located in Albania will host the electronic civil hearings (Spagnolo 2024).

Italy is not the only European state that has tried to resort to the conclusion of this type of agreement in an attempt to cope with increasingly pressing migratory flows. This possibility has been considered by the United Kingdom, and other states, such as Austria and Denmark, are also evaluating this option.

Critical aspects regarding the impact that the implementation of this agreement can have on respecting the human rights of migrants were also raised by the Commissioner for Human Rights of the Council of Europe, Dunja Mijatović, who stated that: "The Memorandum of Understanding (MoU) between Italy and Albania on disembarkation and the processing of asylum applications, concluded last week, raises several human rights concerns and adds to a worrying European trend towards the externalization of asylum responsibilities" (Council of Europe 2023).

On December 2023, 30 deputies of the opposition party appealed to the Constitutional Court, alleging that the agreement between Italy and Albania violates the Albanian Constitution. The Constitutional Court, as a precaution, suspended the ratification of the MoU by Parliament until the final decision on the matter (based on Article 52, point 3, of Law No. 8577/2000, the hearing of the case automatically suspends the ratification procedures in the Assembly of the Cooperation Protocol until the final decision of the Constitutional Court). The appeal claimed the violation of the constitutional rules regarding the procedure for concluding international agreements, considering that this Protocol requires the authorization of the President of the Republic of Albania, as it implies both a partial transfer of sovereignty over some parts of Albanian territory and the protection of fundamental rights, according to Article 121, para.1, letter a and b of the Albanian Constitution (Alb. Const. Court, Press Release 2023).

The Albanian Constitutional Court ruled on the issue on 29 January 2024, stating that the agreement does not violate the Albanian Constitution, indicating that we are not dealing with the transfer of Albanian territory and that the recognition of Italian jurisdiction in these parts of the territory does not exclude Albanian jurisdiction (Alb. Const. Court, Decision No. 2, dated 29 January 2024, para. 49, 63). The Court stated that the agreement does not impose restrictions on fundamental human rights (Alb. Const. Court, Decision No. 2, 29 January 2024, para. 64). The decision is highly debated because, as mentioned above, the Albanian authorities have no jurisdiction in the centers. The Italian authorities will be responsible for the recognition or refusal of international protection for asylum seekers, and they will be responsible for the repatriation

procedures of migrants coming from safe third countries who have not obtained the status of asylum seekers. Albania and Italy are parties to the Geneva Convention on the Status of Refugees and the European Convention on Human Rights. Still, it is unclear how the Constitutional Court concluded that Albanian jurisdiction is not excluded. The concerns regarding the constitutional decision relate to two significant facts. In the first place, according to the Protocol, Albania has no jurisdiction within the centers. In the second place, the Protocol provides that the entire procedure regarding the recognition or refusal of refugee status, or the repatriation procedures, is the Italian authority's responsibility. The Albanian authorities are responsible only for external security in the centers.

Although the authorities have declared that the reception centers will host migrants rescued in non-European waters "exclusively with the means of the competent Italian authorities" (Article 4.4 of the Protocol) or that the agreement includes only male adults, excluding women, minors, and vulnerable people (Liboreiro and Genovese 2023; Masera 2023; Testi 2023, 2), who will be transferred to centers within Italian territory, it must be seen whether these statements merely fall within the framework of declarations. Thus, it is pertinent to discuss the opposition party's proposal in Italy to incorporate a clause that would exempt vulnerable individuals from the Protocol's applicability in the ratification law's text; however, the majority party rejected this idea. On 24 January 2024, the Chamber of Deputies approved the ratification law. Consequently, one of the criticisms raised by Italian jurists is that the Protocol's text is poorly detailed and vague.

THE RULES FOR DETERMINING SAR ZONE ACCORDING TO INTERNATIONAL LAW

One of the obligations under international law is to provide assistance at sea (Oxman 1997, 399–415; Pallis 2002, 329–324) to anyone in distress. International law imposes on every state the obligation to require ship commanders, carrying their flag, to rescue people in distress at sea (Attard 2020; Carta 2021, 1181; Salamone 2011, 121–122; Caffio 2020, 148; Rossi 2019, 48–52; Mussi 2023). This obligation requires two conditions: first, it must not put the ship or the people on board in danger; second, it must have received information about the existence of people in distress at sea (Mussi 2023, 47; Convention SOLAS 1974, chapter V, regulation 33; Salamone 2011, 127, 131; Geneva II, 12, 1; UNCLOS 98, 1; Paleologo 2018, 219). The commander who intervenes to rescue people in distress at sea has other obligations, such as respecting the human dignity of the people rescued and taking them to a safe place (PoS) (Salamone 2011, 123; Mussi 2023, 48).

Regarding the obligation to rescue at sea, in addition to what was mentioned above, a series of international conventions must also be taken into consideration, including the UNCLOS adopted in 1982 and the International Convention on Maritime Search and Rescue (SAR Convention) signed in Hamburg on 20 April 1979, which is considered a fundamental tool as it provides for the establishment of an effective search and rescue service at sea (Cottone 2016, 99 et seq; Camarda 2007; Magnosi 2018, 175–177; Salamone 2011, 121; Bernardi 2018, 137). The SAR Convention provides that coastal states establish SAR (search and rescue) zones through regional agreements without prejudice to the legal regime of maritime spaces (Salamone 2011, 128–130).

The authorities of the coastal state, which is responsible for the SAR zone, are required in that zone, when they become aware of people in distress, to intervene immediately without considering their nationality or legal status (Salamone 2011, 128; Papastavridis 2015, 269 et seq.; Papanicolopulu I. 2017, 9–17; De Vittor and Starita 2018, 77 et seq.).

In this sense, the Convention, in Chapter 2.1.10, obliges state parties to: "(...) ensure that assistance be provided to any person in distress at sea. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found" and in Chapter 1.3.2 it considers "Rescue: An operation to retrieve persons in distress, provide for their initial medical or other needs, and deliver them to a place of safety".

The SAR Convention, together with the International Convention for the Safety of Life at Sea (SOLAS), adopted in November 1974, subsequently amended, aiming to preserve the integrity, from the point of view of effectiveness, of search and rescue services (Cottone 2016, 101), and at the same time to ensure assistance to people in distress at sea, minimizing the inconveniences for the merchant ship providing assistance and with a minimum course deviation (Cottone 2016, 101).

As regards the Mediterranean, Italy was the first coastal state to have delimited its own SAR area of competence through a MoU with the other bordering or contiguous states, concluded with the Ancona Conference in 2000 and with Algeria in 2012 (Caffio 2016, 142; Caffio 2020, 150).

Attempts to delimit the SAR zone had already begun at the Conference of the International Maritime Organization held in Valencia in 1997, where a provisional general agreement was established on the subdivision of the SAR zones in the Mediterranean, divided in a consensual way (Turco Bulgherini 2018, 133).

The situation of the Maltese SAR zone is singular, declared unilaterally by the latter during the Valencia Conference. The case of Malta is very controversial as this state has claimed a vast SAR zone that overlaps in the northern part with the Italian SAR zone (Salamone 2011, 128–129; Leanza 1999, 267 et seq.; Turco Bulgherini 2018, 144), even to the point of covering part of the territorial waters of Lampedusa and Lampione (Caffio 2016, 138–142; Caffio 2020, 151).

The SAR Convention, as amended, places a specific duty on the adhering states to rescue and assist individuals in distress at sea. This duty includes the provision of initial medical attention and other care, as well as the obligation to disembark shipwrecked individuals in a safe place (Camarda 2007; Antonucci, Papanicolopulu, and Scovazzi 2016, 67–68; Paleologo 2018, 222; Cass. Pen., section III, n. 6626/2020, Rackete case) within a reasonable time. Part of the doctrine highlights the fact that the Convention does not define whether the safe place can be another state different from the one competent for the SAR area (Comenale Pinto 2011, 613; Turco Bulgherini 2018, 143). As regards the identification of the safe place, the practice has shown that it is not a trivial matter, as there have been cases of refusal by the nearest state or the state responsible for the SAR zone to host the people rescued at sea (Both Italy and Albania are signatories to the agreement, Albania through Law No. 9056, dated 24 April 2003, on the "Accession of the Republic of Albania to the International Convention on Search and Rescue at Sea" and Italy through Law No. 147, dated 3 April 1989 regarding "Accession to the International Convention on Maritime Search and Rescue, with Annex, adopted in Hamburg on 27 April 1979, and its implementation" SAR).

The IMO has intervened on this issue several times. Crucial is “IMO Circular MSC/896/1998”, which contains Interim Measures for Combating Unsafe Practices Associated with the Trafficking or Transport of Migrants by Sea and operational criteria for combating the trafficking of migrants by sea. This document highlights the close relationship between migratory flows and the ship, underscoring the problems related to navigation safety, search, and rescue at sea. This Circular establishes that the state, which carries out checks on vessels suspected of transporting illegal migrants, must intervene in such a way as not to endanger the safety of people on board boats deemed unsafe by the SOLAS Convention (Turco Bulgherini 2008, 1859).

In 2004, the IMO adopted Maritime Safety Committee (MSC) Resolution 167, containing guidelines on the treatment of people rescued at sea (Salamone 2011, 123–125; Turco Bulgherini 2018, 142; Caffio 2020, 155). According to the guidelines, the responsibility to provide a safe place or to ensure it falls on the state responsible for the SAR area where the rescue is carried out (Salamone 2011, 124 et seq.). In addition to determining the state’s responsibility, the guidelines define the meaning of a place of safety. In this regard, paragraph 1.3.2 states that the “place of safety” is where rescue operations are deemed to have concluded, where survivors’ safety and lives are no longer in danger, and where transportation to the nearest or ultimate destination can be organized (Salamone 2011, 124; Ciliberto 2022, 734).

It can be seen from the above that the SAR Convention, as amended, imposes significant obligations, both on the commander of the rescue ship and the States Parties, in terms of humanitarian obligations, primarily through the Guidelines on the Treatment of Persons Rescued at Sea (Cottone 2016, 101).

The transfer of migrants into Albanian territory by the Italian military vessels that rescued them can be considered a determination of the PoS, but only if their permanence is for the necessary time for their identification, providing them with medical care, and then immediately transferring them to their immediate or final destination. This provision of international law seems incompatible with the part of the agreement between the two states that provides for the detention of migrants in centers for up to 18 months without mentioning, among other things, the fact that they are deprived of personal freedom.

LEGAL PROFILES REGARDING THE PRINCIPLE OF NON-REFOULEMENT AND THE RIGHT TO ASYLUM

The principle of non-refoulement, now consolidated in international and European law, prohibits the transfer of immigrants not only to their country of origin but also to a third country where their life or psychophysical integrity is threatened (McEldowney 2023; Salamone 2011, 108–127; Antonucci, Papanicolopulu, and Scovazzi 2016, 68–69; Mussi 2023, 105). For the first time, this principle was foreseen by the Geneva Convention of 1951 on the status of refugees in Article 33, paragraph 1, which provides for the obligation for the States parties to the Convention not to return migrants to countries where their life or physical integrity may be threatened (Paleologo 2018, 218).

One of the critical issues related to the MoU is analyzing whether this agreement complies with the principle of non-refoulement established by international law. In this regard, the European Court of Human Rights, in the case *Jamaa v. Italy*, has concluded that the state is

obliged not to return a person to a country where he risks being exposed to torture, cruel, inhuman, or degrading treatment or punishment (ECtHR, *Hirsi Jamma and others v. Italy*, Furramani and Bushati 2022, 114-117). This issue was one of the crucial problems that the MoU between Italy and Albania raised, according to the members of the European Parliament, which demanded clarification from the European Commission, requesting if it constitutes collective refoulement similar to that found by the European Court of Human Rights in the case *Jamaa and others v. Italy* (European Parliament 2023). In this sense, the additional Protocol No. 4 of the ECHR, ratified by both states in Article 4, guarantees the prohibition of collective expulsion of migrants. Based on the provisions of this Protocol, the European Court of Human Rights has stated that expulsion refers to a group of aliens being forced to leave the country by state authorities unless the expulsion measure is taken after an effective and differentiated evaluation process of the particular circumstances of each migrant part of the group (ECtHR, *Conka v. Belgium*, para. 63; Furramani and Bushati 2022, 113).

Other crucial questions regard the difference in treatment between asylum seekers rescued in the Mediterranean Sea by civilian vessels and asylum seekers rescued by military vessels and if this Protocol risks undermining the rights of defense and the guarantees of personal freedom provided by the Italian Constitution and European and international law concerning international protection (European Parliament 2023; Carrera, Campesi, and Colombi 2023, 5-6).

ITALY-ALBANIA AND UNITED KINGDOM-RWANDA AGREEMENTS: TWO PRACTICES COMPARED

Much has been discussed about the MoU between Italy and Albania. There have also been comments and comparisons of this accord with the agreement concluded between the United Kingdom and Rwanda in April 2022, according to which the asylum seekers were going to be transferred from the UK to Rwanda until the evaluation of the asylum request. It is crucial to note that other European states, such as Austria, Denmark, and Germany, want to follow this strategy. However, in the case of the United Kingdom, no transfer has yet been made, considering that the British courts have blocked the agreement; the latest decision of the British Supreme Court declared the agreement illegitimate (McEldowney 2023; Casciani and Seddon 2023). This decision, in line with the Court of Appeal Decision, declared the agreement between the United Kingdom and Rwanda in breach of the relevant international agreements concluded by the United Kingdom, as immigrants could be subjected to torture or degrading treatment, given that Rwanda is not considered a safe country (AAA (Syria) and Ors, *R. v Secretary of State for the Home Department* [2023] UKSC 42, 15 November 2023; McEldowney 2023) and, on the other hand, migrants also risk being transferred to their country of origin, which is prohibited by international law (McEldowney 2023).

Nevertheless, the two agreements present different elements. In the first place, in the agreement between the United Kingdom and Rwanda, the United Kingdom has recognized to the Rwandan authorities the task of evaluating asylum requests, which does not appear in the Protocol between Italy and Albania, where Italy has the task of evaluating and managing asylum requests presented by asylum seekers (Masera 2023). Another difference is that the agreement between Italy and Albania refers to the fact that the deal concerns the transfer of migrants

rescued in non-European waters, which have not yet reached the Italian coasts. It is critical to notice that the second agreement delineates a different treatment for migrants rescued in international waters from those rescued in internal waters. In this sense, the Protocol provides that the reception centers located in Albania will be used for migrants rescued in non-European waters because, otherwise, there would be a violation of European legislation (Gentilucci 2023). Nevertheless, Albania is considered a safe country, is part of all the conventions that protect human rights, and is waiting to become a member of the European Union.

CONCLUSION

The decision of the Constitutional Court issued in January 2024 regarding the compliance of the protocol with the Albanian Constitution raises many doubts, especially when it excludes a violation of the Albanian Constitution and considers that the protocol does not consist of a transfer of part of the Albanian territory and does not restrict fundamental human rights.

The Court's interpretation turns out to be controversial since, on the one hand, the MoU provides that the Italian authorities have exclusive competence regarding the management of the centers and the practices of recognition of asylum seekers' requests, as well as in cases of non-recognition or repatriation procedures. On the other hand, the Albanian Constitutional Court expressly states that the application of Italian jurisdiction inside the centers does not exclude Albanian jurisdiction. Accordingly, in cases of violation of the human rights of asylum seekers inside the centers and considering that Albania is a party to the ECHR, Albania could be held liable even if the Albanian authorities have no jurisdiction in the matter and have not provided control mechanisms (see Albanian Constitutional Court, Decision No. 2, dated 29 January 2024, par. 13, dissenting opinion).

From Italy's point of view, the issues to be solved are different: in addition to the determination of the PoS, we had to consider compliance with the principle of non-refoulement, the detention of asylum seekers during the examination of the practice, and the guarantee of their constitutional rights during the trial and beyond.

During the executive phase of the agreement, the two countries must consider all the issues mentioned above to guarantee the respect of fundamental human rights. In any case, there is undeniable an explicit attempt by EU member states to create an "asylum request management system" outside their borders prospectively, given their inability to modify the current Dublin Rules.

In this sense, it seems that there is an attempt by the European states to create a precedent that will then be applied on a larger scale, both from the point of view of the number of migrants transferred and from the point of view of the third safe country involved in negotiations for similar agreements. This concern is comprehensible if we refer to the statements of the German and Austrian Chancellors on the issue (ECRE 2023). The choice of Albania is not coincidental, as it is an EU candidate country that meets the criteria for ensuring the safety of migrants and is a signatory to all major international conventions on human rights protection.

CRediT AUTHOR STATEMENT

Rrezart Bushati: conceptualization, methodology, writing-original draft preparation, writing-reviewing and editing. **Emanuela Furramani:** conceptualization, writing-reviewing, and editing.

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The Impact of Liberalized Concealed Carry Laws on State Homicide Rates

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Abstract: Liberalized concealed carry laws test how firearm legislation affects crime in the US. This study analyzes the relationship between these laws, total homicide, and firearm homicide using panel data from 1980 to 2018 across all 50 states and the District of Columbia. The analysis uses multivariate regression with state and time-fixed effects and applies a general-to-specific procedure to select control variables. Robustness checks, including a generalized synthetic control model, confirm the findings. The results show no statistically significant relationship between shall-issue or permitless carry laws and homicide rates, even at the 10% level. The findings remain consistent across alternative model specifications. If these effects are truly null, liberalized concealed carry laws may have positive social implications, offering valuable insights for policymakers.

Keywords: Gun Control; Constitutional Carry; Homicide; Permitless Carry; Concealed Carry; Right-to-Carry; Liberty

INTRODUCTION

In 2018, there were 18,830 homicides in the United States, and 13,481 of those were committed with firearms—approximately 71% (CDC 2020). Because of America's elevated rates of homicide compared to other countries, there has been widespread scholarly interest in gun policy and related violence.

Beginning in the mid-1980s, states began to rapidly liberalize their Right-to-Carry (RTC) laws in the form of "shall-issue" laws, which require states to issue a license if a citizen meets the minimum requirements for a permit. Before the 1980s, most states were either "may-issue", which gave discretion to the issuing authority as to whether or not the permit ought to be issued, or "no-issue", which outright banned concealed carry in public. Beginning in the early 2000s, yet another policy, colloquially known as "constitutional carry", which we call permitless carry, has emerged, which allows all law-abiding citizens above the age of 21 to carry a firearm concealed without a license or training. Alaska, in 2003, was one of the first states to implement this policy, though Vermont has had it since the early 20th century due to the wording of its state constitution. As of mid-2022, 25 states had instituted permitless carry laws. Table 1 displays the adoption years of liberalized concealed carry laws by state through 2022.

As can be seen in Table 1, the adoption of permitless carry has been exceedingly rapid. In 2021 alone, five states adopted permitless carry, and several more states are considering adopting the legislation in 2023. The Supreme Court's recent *New York State Rifle & Pistol Association, Inc. v. Bruen* (2022) case further liberalized RTC laws across the United States, holding that the right to carry a firearm outside one's home is constitutional. By voiding New York's requirement that permit applicants must demonstrate "proper cause", the decision



eliminated one of the main ways the remaining may-issue jurisdictions across the United States exercised discretion. Given the exceedingly rapid trend towards permitless carry and shall-issue concealed carry laws imposed by the courts and democratically elected legislators, it is important to test the impact of RTC laws, especially permitless carry laws, on criminological outcomes.

Table 1: Adoption Years of Liberalized Concealed Carry Laws by State (Source: Own depiction)

State	Shall-Issue	Permitless Carry	State	Shall-issue	Permitless Carry
Alabama	1975	2022	Montana	1991	2021
Alaska	1994	2003	Nebraska	2007	
Arizona	1994	2010	Nevada	1995	
Arkansas	1995	2018	New Hampshire	1923	2017
Colorado	2003		New Mexico	2004	
Connecticut	1969		North Carolina	1995	
D.C.	2017		North Dakota	1985	2017
Florida	1987		Ohio	2004	2022
Georgia	1989	2022	Oklahoma	1996	2019
Idaho	1990	2016	Oregon	1990	
Illinois	2013		Pennsylvania	1989	
Indiana	1980	2022	South Carolina	1996	
Iowa	2011	2021	South Dakota	1985	2019
Kansas	2007	2015	Tennessee	1996	2021
Kentucky	1996	2019	Texas	1996	2021
Louisiana	1996		Utah	1995	2021
Maine	1985	2015	Vermont	NA	1903
Michigan	2001		Virginia	1995	
Minnesota	2003		Washington	1935	
Mississippi	1990	2016	West Virginia	1989	2016
Missouri	2004	2017	Wisconsin	2011	
			Wyoming	1994	2011

*Table 1 includes the adoption dates for both shall-issue and permitless carry-up through mid-2022 using Version 4 of the RAND Corporation Firearms Law Database. According to media reports, as of 2024 (after the study period), 29 states have permitless carry laws.¹

This paper contributes to the literature by methodologically improving from prior studies in multiple ways. First, this study is one of the first papers to analyze permitless carry laws' impact on homicide. Before this point, the data was limited as many states had only recently adopted these laws, and thus, the applicability of previous results was limited (Hamill et al. 2019).

This paper, however, includes 12 states that have passed such ordinances during the period studied. By studying permitless carry, this paper offers a unique test of both the "more guns, less crime" hypothesis. If these laws were to impact homicide either positively or

¹See: Slider, Gary. 2024. "Permitless Carry States". Available at: https://www.handgunlaw.us/documents/Permitless_Carry_States.pdf (last updated: 9.10.2024)

negatively, we would expect their effects to be largest in permitless carry states, given that these laws allow *any* non-criminal adult to carry a concealed firearm without any licensure or training.

Second, our paper attempts to reduce the likelihood of endogeneity bias. This paper spans an extended time: 1980-2018 (i.e., 39 years). While some recent studies extended their datasets past the mid-2000s, they often excluded data from the 1980s (Siegel et al. 2017; Zimmerman 2014). This data limitation may have significant empirical consequences since concealed carry laws passed in the 1980s typically have lower fees, training requirements, and minimum ages. For example, the average inflation-adjusted (2013 dollars) fee to obtain a concealed carry license in states that passed their laws in the 1980s was \$85, but the average fee for states that passed their laws in the 2000s was \$113.82 (Lott 2016). Failing to include data from the 1980s removes a significant amount of data from these early shall-issue adopters with higher rates of public firearm carrying than recent adopters due to their lower training, age, and fee requirements. This difference between the 1980s and 2000s may also explain the different empirical findings between early and more recent studies.

We also attempt to reduce endogeneity problems by including a larger number of control variables than in many prior studies. One of the major criticisms of past firearms research is its failure to include statistically significant control variables in the crime equation. Papers with multiple statistically significant control variables produce radically different results than those with few or no significant control variables (Kleck 2018).

Third, our paper is one of the first to use a general-to-specific modeling procedure suggested by Moody and Marvell (2010) and the first to apply it to permitless carry laws. This procedure eliminates the somewhat arbitrary nature of selecting control variables and prevents over-parameterization that makes explanatory variables insignificant. It helps balance between too few and too many control variables.

Finally, our paper uses a novel version of the synthetic control method developed by Xu (2017) to test the robustness of our panel regression results. This method has many significant advantages over an early version of the synthetic control method used by other researchers in this field, such as the ability to produce uncertainty estimates. It allows us to make a unique methodological contribution to the study of firearms. It also allows us to have more confidence in our results' robustness, especially concerning permitless carry.

LITERATURE REVIEW

Theories and Mechanisms

There has been a heated debate on the potential effects of concealed carry laws, both in the academic literature and political circles. It is understandable that firearms, in particular, may lead to competing theoretical perspectives: fundamentally, firearms are merely tools of power that make it easier for individuals to achieve different goals (Kleck and McElrath 1991).

In the hands of an aggressor, firearms are violence-promoting: they make it easier to commit violence and achieve whatever ends the criminal intends, whether that be the acquisition of money, sexual gratification, or domination. Likewise, in the hands of an individual typically seen as "non-criminal", firearms may facilitate violence by simply making violence easier if that individual happens to stumble into a situation where emotional tensions are high.

On the other hand, in the same way, firearms make violence easier to commit, they also make it easier to defend oneself, especially if one is at a physical disadvantage. Because of this, guns in the hands of law-abiding citizens may be violence-inhibiting. Kleck (1997) argues that whether or not firearms increase or decrease violence is dependent upon whether the benefits conferred upon potential crime victims by firearm ownership outweigh the costs of gun availability among the criminally inclined. Whether gun availability, or any particular gun law, increases, decreases, or has no impact on crime is therefore ambiguous: gun ownership, gun carrying, and gun availability can theoretically increase or decrease crime. This leaves us with three hypotheses in this paper: first, that liberalized concealed carry laws reduce crime by arming law-abiding citizens; second, that liberalized concealed carry laws increase crime by facilitating violence; and third, that RTC laws have no impact on crime, either because the first two mechanisms cancel each other out or because they do not significantly change criminal or citizen behavior.

Theory #1: The More Guns, Less Crime Hypothesis

Some scholars have argued that these laws primarily serve to deter crime and save lives (Lott and Mustard 1997; Lott 2010). Drawing from economic theory, these scholars maintain that armed civilians may serve to deter crime by increasing the cost of perpetrating crime. As noted by Kleck (1997), firearms in the hands of law-abiding citizens give them a powerful tool of violence when faced with an attacker. This view has made its way into many American colloquialisms, such as “God created man, but Samuel Colt made man equal”. Using an economic framework of criminal behavior where it is argued that criminals make cost-benefit analyses before engaging in violence (see, e.g., Becker 1968), the pathway toward deterrence is clear: by making it so any potential victim can successfully resist crime, a criminal may simply forgo engaging in aggression if he or she feels as though the victim may be armed. In fact, in the case of concealed carry, the deterrence effect may be especially strong since criminals do not know who is armed. As a result, public carrying may have positive externalities impacting individuals who are not carrying.

Firearms may also reduce crime even in the absence of deterrence. Kleck (1997) and others believe the primary violence-reducing effect of firearms is less from deterrence but rather from widespread defensive gun use. A large number of surveys have suggested defensive gun use is a widespread phenomenon in the United States (Kleck and Gertz 1995; English 2021; Kleck 2021), and literature further shows that defensive action with a firearm is one of the most effective courses of action for victims who wish to reduce the likelihood the crime against them is completed (Kleck and DeLone 1993; Tark and Kleck 2006; Hart and Miethe 2009). While other scholars argue for significantly lower defensive gun use estimates (Hemenway 1997), and significant uncertainty remains regarding the specific number of defensive gun uses per year (Rand Corp 2018), the salient fact remains: even lower-end estimates suggest thousands of potential defensive gun uses per year. Suppose RTC laws were to increase the rate of defensive gun use by facilitating gun ownership and carrying among law-abiding individuals. In that case, it is possible that these laws may reduce crime.

Theory #2: The Facilitation Hypothesis

Opponents of liberalized concealed carry laws have argued that these laws lead to increased aggression. Some scholars have called this the facilitation hypothesis since, in this model, the presence of a firearm facilitates violence by enhancing the power of the aggressor (Alzheimer 2010; Smith et al. 2021; Cook and Ludwig 2006). In the same way, firearms in the hands of law-abiding citizens give them a powerful tool with which to exact violence on attackers. Firearms give criminals a tool that allows for impersonal and deadly violence with which to achieve their ends. In order to commit violence with a weapon other than a firearm—say, with a knife, a blunt instrument, or one’s own body—there is a significant amount of intentionality, and there is also a much higher risk to the attacker. Indeed, criminals typically do not use firearms to maximize harm to their victims but also to reduce their own risk (Zimring 1968). Thus, in the same way, guns may reduce crime by increasing the cost side of the equation (armed victims), guns also have the potential to reduce risk to the attacker (by making it easier to kill and intimidate victims—since victims, too, are aware of the threat of an armed attacker). Overall, the direct pathway through which firearms can increase crime is straightforward: it facilitates violence by making it easier for criminals to do their job.

Liberalized concealed carry laws may also increase crime by making it easier for criminals to acquire handguns via theft (Donahue et al. 2019). Indeed, suppose more people are carrying a firearm in public. In that case, it stands to reason that criminals will have more opportunities to steal firearms from vehicles or other locations as citizens carrying in public go about their daily lives. Since firearms remain illegal in many areas even when carrying laws are loosened—like on Federal property, schools, or private gun-free zones—individuals who carry their firearm may face many situations where they must leave their firearm in a car or an otherwise unsecured location in order to comply with the laws of their state.

In the case of permitless carry, where any adult with a clean criminal record can carry a firearm without training, it seems likely that higher rates of concealed weapons carrying could increase the number of violent encounters as well. One need not be a criminal in order to commit violence: it is easy to envision scenarios where firearms lead to a miniature arms race where tensions are high and what otherwise would have been a nonevent turns into a deadly tragedy (Krishnamurthi and Salib 2022). From this perspective, making it so citizens can legally carry firearms outside of their homes turns what may have been a dispute between a shopkeeper, a customer, or a harmless stranger walking to the same bus stop as you at night turns into a deadly assault. As with permitless carry laws, making it so anyone can be armed without the requisite training could easily multiply the situations where impromptu fights turn deadly (Zimring and Hawkins 1997). As a result, RTC laws may increase crime and reduce public safety.

Theory #3: The No Effect Hypothesis

It is also possible that these laws may have no impact on crime at all. Perhaps both deterrence and facilitation exist simultaneously, leading to a null effect canceling each other out, or perhaps neither criminal deterrence nor aggression is impacted by the liberalization of concealed carry laws. Indeed, some research suggests that the public’s perception of the

number of firearms carriers is not significantly correlated with a state's concealed carry law, so assuming criminals and the general public have the same general knowledge about gun laws, it is possible that criminals may not know enough about a state's gun laws or gun culture to be deterred by changes in concealed carry policies (Fortunato 2015). If this were the case, arguments related to deterrence may be moot. Still, the other mechanism through which firearms may reduce violence—defensive gun use—may still be at play.

It is also possible for the facilitation hypothesis to be on weak ground. Concealed carry holders are extremely law-abiding: very rarely are they convicted of, arrested for, or charged with crimes, violent or otherwise (Lott 2010). Of course, as noted above, one need not be a criminal in order for a firearm to lead to a deadly escalation of force, but cases where concealed carry permit holders committed violence—even if it was a freak incident unlikely to be repeated—would still be counted, and carry permits of the individual(s) involved would be revoked. Given that the vast majority of permit revocations are due to trivial offenses such as accidentally carrying a firearm into a gun-free zone (see Lott 2010), it seems likely that concealed carry permit holders are not part of a wave of facilitated violence. Thus, at least in shall-issue concealed carry regimes, it seems that holding a concealed carry permit and carrying a firearm does not facilitate violence. On the other hand, in a permitless carry state where many individuals will be carrying without a permit or training, facilitation may remain a pressing concern.

Concealed carry laws may also have little impact on actual carrying behavior for either criminals or law-abiding individuals. If that were the case, the effects of these laws on crime would be nil: regardless of whether laws are loose or strict, people are carrying (or not carrying) either way. The existing research shows uncertain effects of liberalized concealed carry laws on gun ownership outcomes (Steidley and Kosla 2018), and unfortunately, research on carrying behavior is nonexistent. As noted above, the public is typically unaware of state carry laws, meaning it is possible that law-abiding citizens are not informed enough to change their carrying behavior even if a state implements permitless carry (Fortunado 2015). Future research is needed to determine if these laws actually change carrying behavior.

There are, therefore, many reasons we may expect liberalized concealed carry laws to have no effect on homicide: perhaps the effects outlined in Theories 1 and 2 simply cancel each other out, or perhaps the mechanisms simply do not apply to the specific case of liberalized carry laws. Most interestingly, perhaps it is a third option: shall-issue and permitless carry laws neither impact criminal nor law-abiding carrying behavior. Criminals who do not want to follow laws in the first place (and who are barred from carrying if they have a criminal record under all carry policy regimes) continue to carry firearms in public no matter what the law says. Law-abiding civilians either do not know enough about the legal status of firearms to change their behavior in response to loosened carry law or, like criminals, were already carrying beforehand either due to ignorance of the law or because they are willing to take a calculated risk in order to defend themselves outside of the home.

Previous Empirical Research

RTC laws present a good test for the three hypotheses above. By making it so law-abiding individuals can carry firearms in public, if guns were to deter crime, we would expect to

see it as public carry laws are liberalized. On the other hand, loosened RTC—especially permitless carry, which removes training requirements entirely and weakens regulatory oversight apparatuses—serves almost as the perfect test for the idea that guns in the hands of law-abiding citizens would unnecessarily escalate day-to-day confrontations and conflicts into homicidal ones.

Unfortunately, the empirical findings on the effects of concealed carry laws are just as mixed as the theoretical literature. Many early empirical studies suggested that these laws reduced violent crime, including murder (Lott and Mustard 1997; Moody 2001; Plassman and Tideman 2001). Others found null effects (Black and Nagin 1998; Ludwig 1998). The academic debate at that time was between negative effects and null effects, but early literature reviews concluded that the majority of early studies found that liberalized concealed carry laws reduced crime, especially murder (Moody and Marvell 2008).

However, the debate in recent years has shifted. Using data between 1991 and 2016, Siegel et al. (2017) found that shall-issue concealed carry laws were associated with *elevated* homicide rates in support of Theory 2. While not analyzing murder or homicide rates directly, Donahue et al. (2019) found that shall-issue concealed carry laws were associated with elevated levels of overall violent crime, and Doucette et al. (2022) argue that shall-issue laws increase assault. Using a similar dataset, however, different authors have found no effect (Moody and Marvell 2019). Barati (2016) found that shall-issue concealed carry laws reduce crime rates in states that previously had no-issue laws but had no effect on crime when the state transitioned from may-issue to shall-issue, while Gius (2019) found that shall-issue laws elevate state-level murder rates by 4.9% with a fixed effects model, but his synthetic control methods found no impact of shall-issue laws on murder. An earlier paper by Gius found that *restrictive* concealed carry laws increased state-level murder rates (Gius 2013), confirming Theory 1.

While the research on shall-issue concealed carry laws is mixed, the research on permitless carry laws is nearly nonexistent. Only a few studies have studied permitless carry laws' impact on violent crime outcomes. Adams (2022) included permitless carry as a covariate. He found these laws may be correlated with reduced criminogenic outcomes, but the study focused primarily on the effects of stand-your-ground laws, not concealed carry laws. Hamill et al. (2019) generally found no significant shifts in homicide when states liberalized their concealed carry laws, including the adoption of permitless carry; neither did Smith and Petrocelli (2018) find an effect when focusing on handgun-related crime in Tuscon, Arizona. The existing research on permitless carry and criminogenic outcomes is limited and inconclusive.

Given this mixed empirical evidence of prior studies, this paper aims to provide a more robust answer to the question: what are the effects of liberalized concealed carry laws, especially permitless carry laws, on homicide rates? We examine the relationship between shall-issue and permitless concealed carry laws and homicide rates across all 50 US states and D.C. from 1980 to 2018. We focus on homicide because many scholars have argued that the primary effect of firearms is not necessarily to increase total violence but rather to turn what otherwise would have been non-deadly assaults into deadly homicides (Braga et al. 2021). Not only that, but homicides are especially gruesome, well-documented, and socially relevant. Multiple empirical specifications were tested, all of which confirm the robustness of our main finding that these laws have no statistically significant effect on homicide.

METHODS

Dependent variables

The primary outcome variable in this study is total homicide rates. We also used firearm homicide rates as our secondary outcome variable to further examine the validity of the aggression hypothesis because if liberalized concealed carry laws increased homicide; the effect would be most pronounced in homicides committed with a firearm. These data were acquired from the CDC's WONDER database. They were extracted from the National Center for Health Statistics (NCHS) and provide annual estimates for the number of homicides in all 50 states and D.C.

Independent Variables

Using the data obtained from the Rand Corporation's Firearm Law database (version 3.0), we created dummy variables to indicate whether states had shall-issue or permitless carry laws. Following Lott and Mustard (1997), the implementation years of all laws were lagged by one year to make them consistent across the states—the first full year of the law's implementation. Many prior studies dropped the observations of permitless carry states from their analyses. Although some studies included these states for analyses, the applicability of their findings was limited due to the small number of these states in their study period (Siegel et al. 2017; Hamill et al. 2019). However, our study improves from these prior studies by including 12 states that adopted permitless carry laws during our study period.

The selection of control variables in criminological studies is often arbitrary. It has been demonstrated that the same authors include different control variables in different articles (Moody and Marvell 2010). Even when authors include many control variables, it is common for the variables included to lack statistical significance, and papers with statistically significant control variables obtain different results than papers with few significant control variables (Kleck 2015; Kleck 2019).

While too few significant control variables can cause problems, a critical problem could result from too many control variables: an over-parameterized model causes the standard errors to become too large, falsely rendering some variables insignificant. This paper uses the general-to-specific (GETS) methodology proposed by Moody and Marvell (2010) to resolve this issue.

Our estimates begin with a "full" model including 23 demographic, economic, and law enforcement variables, state linear trends, a lagged dependent variable, and state and year fixed effects. The specific control variables used in the "full" homicide model are execution rates, incarceration rates, police per capita, civilian police employees per capita, percent black, percent white, percent college educated, population density, per capita alcohol consumption, construction employment per capita, military employment per capita, poverty rates, unemployment rates, the Fryer et al. crack-cocaine index, percent of the population aged 15-19, 20-24, 25-29, 30-34, and 65+, and other gun control laws. These variables were taken from the FBI's UCR reports, the Death Penalty Information Center, the Census Bureau, the Crime Research and Prevention Center, the University of Kentucky's Center for Poverty Research, the National Institute on Alcohol and Alcoholism, the RAND Corporation, and the Bureau of Justice Statistics.

Our model also includes linear state trends to control for slow-moving variables such as the advent of the cellphone or increased 911 coverage over the study period.

After estimating the full model, all empirically irrelevant control variables are repeatedly removed from the model using t - and F -tests until we obtain the “final parsimonious model” (Moody and Marvell 2010).

Empirical Model

To estimate the effects of liberalized concealed carry laws on homicide rates, we use panel regression analysis with state and year fixed effects and include many important control variables used in the firearms literature. To deal with the issue of heteroskedasticity and serial correlation in the panel data set, standard errors are clustered by state, as Bertrand et al. (2004) suggested. The standard errors include the Huber-White correction for heteroskedasticity. Given that homicide rates are not normally distributed, the dependent variable is logged. Our empirical model for homicide rates is as follows:

$$\ln(Y_{it}) = \alpha_0 + \alpha_1 RTC_{it} + \alpha_2 Permless_{it} + \alpha_3 X_{it} + \zeta_i + \gamma_t + \varepsilon_{it}$$

Y_{it} is the homicide rate at state i year t . ζ_i and γ_t represent state and year-fixed effects, respectively. $\varepsilon_{i,t}$ is the disturbance. RTC_{it} and $Permless_{it}$ represent the shall-issue and permitless carry dummy variables, respectively. X_{it} represents a vector of time-varying state covariates.

As a robustness check for our panel results, we also used a synthetic control model, a method that has become popular in the firearms literature (Donahue et al. 2019; Gius 2019; Moody and Marvell 2019). The use of this method is important to check the robustness of our results on permitless carry because although our dataset has more data on permitless carry laws than prior papers such as Hamill et al. 2018, the data is still limited enough to where one ought to exercise caution when interpreting results from a standard panel analysis. Using the synthetic control method allows us to be more confident in our findings.

The proliferation of the synthetic control method in the firearms literature should not be surprising: the synthetic control method produces elegant, easily interpretable graphical evidence that even a nontechnical audience can easily understand. The synthetic control method runs a matching algorithm to generate a weighted average of the dependent variable on a set of control states. In this study, the dependent variable is homicide and firearm homicide. This generated average serves as our counterfactual: what would have happened if states did not adopt liberalized concealed carry laws? In the pre-treatment period, assuming the method chose appropriate control states, the treatment effect—the difference between states with liberal concealed carry laws and those with restrictive laws—should be close to zero. After a law’s adoption, if these laws impact homicide, we expect the treatment effect to differ from zero.

This paper opts to use a novel version of the synthetic control method, allowing us to advance the firearms literature methodologically. We use a more advanced version of the synthetic control method called the Generalized Synthetic Control Method (GSCM), developed by Xu (2017). Although the idea is very similar, the GSCM has a few advantages over the standard synthetic control method. First, as the name implies, it allows us to generalize the results. It provides an *average* treatment effect across all treatment states—the standard

synthetic control method only looks at each state individually, like a case study. Second, the GSCM produces uncertainty estimates via bootstrapping techniques. One of the most significant drawbacks of the standard synthetic control method is that while it produces easily interpretable graphical evidence, determining statistical significance is challenging. The GSCM overcomes that drawback. Finally, GSCM uses an interactive fixed effects model to model time-varying confounders, which Xu (2017) argues can outperform the other synthetic control methods.

RESULTS

Main Results

Table 2 presents the impact of liberalized concealed carry laws on homicide and firearm homicide using two-way fixed effects regression models. It indicates that shall-issue and permitless carry laws have no effect on homicide and firearm homicide rates in both full and GETS models. For example, the GETS model in column 2 indicates that while shall-issue laws are associated with 0.53% lower homicide rates, the relationship is not statistically significant ($p = 0.795$). The column also indicates that permitless carry laws are associated with 3.48% lower homicide rates, but the result is likewise insignificant ($p = 0.589$).

Column 4 indicates that the laws are associated with 0.50% higher firearm homicide rates, but the result is insignificant ($p = 0.818$). It also shows that permitless carry laws are also associated with slightly higher firearm homicide rates (1.4%) than the control states, but we fail to reject the null hypothesis ($p = 0.881$).

Table 2: Impact of Concealed Carry Laws on Homicide and Firearm Homicide Rates (Source: Own depiction)

VARIABLES	(1)	(2)	(3)	(4)
	Homicide Rates		Firearm Homicide Rates	
	Full Model	GETS Model	Full Model	GETS Model
Shall-Issue	-0.00493 (0.0219)	-0.00529 (0.0202)	0.0118 (0.0234)	0.00503 (0.0217)
Permitless	-0.0215 (0.0640)	-0.0348 (0.0640)	0.0327 (0.0923)	0.0139 (0.0930)
Constant	1.499** (0.615)	0.770** (0.344)	0.684 (0.981)	0.673*** (0.166)
Controls	Full controls	GETS controls	Full controls	GETS controls
State FE	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes
Observations	1,896	1,905	1,760	1,763
R-squared	0.950	0.950	0.947	0.946
Robust standard errors in parentheses (clustered at the state level)				
*** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$				

Synthetic Control Method Results

Figure 1 presents our primary GSCM result: the impact of permitless carry on homicide. The results of the GSCM examining the impact of permitless carry laws on homicide are null. Similar to many of our panel regression results, the association between permitless carry laws and homicide are actually negative: shortly after adoption, permitless carry states tend to have lower homicide rates than the control states in the model, as the treatment effect turns negative. However, we did not see a statistically significant deviation from zero, and we could not reject the null hypothesis.

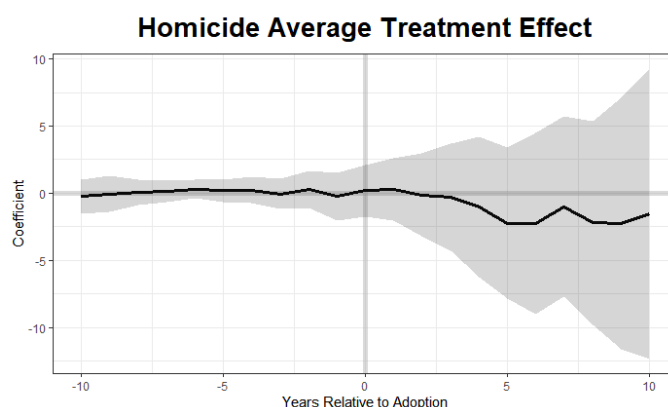


Figure 1: Impact of Concealed Carry Laws on Homicide Rates (GSCM) (Source: Own depiction)

The results for firearm homicide were similar and can be seen in Figure 2. Similar to our results in Figure 1, the results in Figure 2 suggest that the impact of permitless carry laws on firearm homicide is likewise null. While permitless carry states are associated with less firearm homicide on average, the results fail to reach the traditional 5% level of statistical significance. The results from our synthetic control method suggest that permitless carry laws neither significantly increase nor decrease either total or firearm homicide.

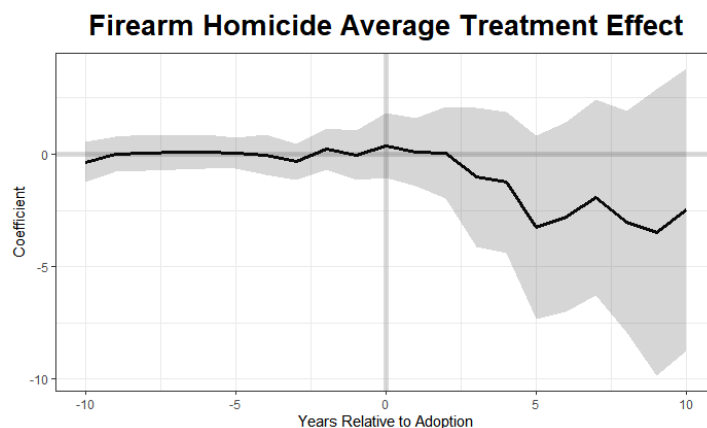


Figure 2: Impact of Concealed Carry Laws on Firearm Homicide Rates (GSCM) (Source: Own depiction)

Other Robustness Tests

Table 3 shows the regression results of GETS and full models that weight the observations by population. They all confirm that liberalized concealed carry laws do not affect homicide and firearm homicide.

Table 3: Impact of Concealed Carry Laws on Homicide and Firearm Homicide Rates (Population Weighted)
(Source: Own depiction)

VARIABLES	(1)	(2)	(3)	(4)
	Homicide Rates		Firearm Homicide Rates	
	Full Weighted Model	GETS Weighted Model	Full Weighted Model	GETS Weighted Model
Shall-Issue	0.00990 (0.0225)	0.00571 (0.0231)	0.0161 (0.0231)	0.00353 (0.0239)
Permitless	-0.0118 (0.0755)	-0.0233 (0.0754)	0.0213 (0.0853)	0.00862 (0.0821)
Constant	2.313*** (0.667)	1.625*** (0.375)	1.730** (0.770)	1.394*** (0.405)
Controls	Full controls	GETS controls	Full controls	GETS controls
State FE	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes
Observations	1,896	1,910	1,760	1,772
R-squared	0.952	0.952	0.958	0.957
Robust standard errors in parentheses (clustered at the state level)				
*** p<0.01, ** p<0.05, * p<0.1				

DISCUSSION

This paper improves upon prior research by including a larger number of control variables and a more extended study period. It also employs the GETS methodology to reduce the arbitrariness of selecting control variables, as suggested by Moody and Marvell (2010). This paper advances the literature empirically by using a form of synthetic control model developed by Xu (2017) not previously employed by researchers in this field and by breaking out permitless carry as a separate variable to study, which has only been done by a handful of researchers prior (e.g., Hamill et al. 2018). Being one of the only papers to test the impact of permitless carry provides a unique test of the impact of liberalized concealed carry laws. The synthetic control method further bolsters our main findings related to more recently adopted permitless carry laws. Our results do not comport with the more guns, less crime hypothesis (Theory 1). On the other hand, the results do not support claims that these laws will increase homicide either (Theory 2). The results presented suggest that liberalized concealed carry laws may not affect homicide or firearm homicide, lending support to Theory 3.

Unfortunately, this paper is unable to determine exactly *why* these laws do not affect homicide. As adumbrated above, RTC laws may not affect crime if facilitation and deterrence

cancel one another out, facilitation or deterrence simply do not apply to carry laws, or if carry laws simply have no significant change in criminal or law-abiding carry behavior. We are inclined to believe the latter theory: the public (and criminals) are simply unaware of the legal status of carrying in their state (Fortunado 2015), and both criminals and generally law-abiding citizens make decisions to carry or not carry irrespective of what the law states. Further, gun ownership does not seem to respond to changes in concealed carry laws (Steidley and Kosla 2018), also suggesting that the changes in behavior by these laws may not be large enough to influence homicide rates. Liberalized concealed carry laws not having a major impact on behavior over and above may-issue laws may explain Barati's (2016) result: that shall-issue laws reduce crime when transitioning from no issue but have no effect when a state moves from may-issue to shall-issue.

Conceptually, Barati's (2016) finding makes sense. A conservative state with a may-issue law in place that transitioned into a shall-issue state, while technically discretionary prior to the adoption of shall-issue, may not have exercised discretion in reality: most local sheriffs would lean conservative and be lenient in permit issuance. Rural areas in most may-issue states, even liberal ones, may have also behaved similarly to shall-issue jurisdictions in practice, issuing the permit to most law-abiding applicants. More progressive states that moved from may-issue to shall-issue, like Illinois, found other ways to restrict permits—like exorbitantly high training requirements and permit fees (Lott 2016). Going from categorically *no*-issue to may-issue, under this view, is a significant policy change, but moving from may-issue to shall-issue is minor.

It is unknown if moving from shall-issue to permitless carry constitutes a major change in actual behavior, but this paper suggests it may not be.

One counterargument to the claim that liberalized shall-issue and may-issue RTC laws may not change behavior enough to elicit changes in criminogenic outcomes may be the wide differences in the percentage of the population licensed to carry concealed handguns across states (Lott and Wang 2020). However, widespread permitting may not be direct evidence of high carry rates. Even if, as Lott and Wang (2020) find, huge percentages of the population in some states are licensed to carry a firearm (as high as 28% in states like Alabama), an unknown number of those individuals are actually carrying in their day-to-day lives. In the same way, holding a passport does not mean one is internationally traveling. It so is being licensed to carry a firearm, which does not mean one is actually carrying a firearm in their day-to-day lives. While it is unclear what percentage of the population would need to carry in order for it to impact homicide rates regularly, it is very possible that liberalized RTC laws do not move the needle enough to tip the scales one way or another.

Rowhani-Rahbar et al. (2022) present survey evidence between 2015-2019 contrary to our preferred hypothesis, suggesting carrying rates are higher in states with less discretion in issuing permits than in states with more discretion. Even if this turned out to be true for shall-issue versus may-issue, it may or may not be the case with permitless carry. A completely unanswered question going forward is whether permitless carry changes behavior over and above shall-issue concealed carry since all permitless carry states were shall-issue immediately before changing the law. The high carrying rates alleged by Lott and Wang (2020) suggest the answer may be no: if nearly a third of the population is already licensed to carry in some states, the remaining unlicensed-but-wanting-to-carry population is likely relatively small. Further, cross-sectional surveys may not be adequate tools to answer the question of if liberalized RTC

laws change carrying behavior: formerly may-issue states where individuals are more likely to carry are also probably the states most likely to change their laws to accommodate that sort of preexisting behavior. Thus, even with Rowhani-Rahbar et al. (2022) survey, it is unclear how much discretionary impact carrying rates over and above shall-issue policies.

Overall, we speculate that the type of concealed carry law a state has simply may not change law-abiding carrying behavior enough to impact crime—and more research is needed to answer that question quantitatively. Our view is speculative, however, and another explanation for these null findings may be discovered in future research. Regardless, our null findings speak for themselves: whatever effect these laws have on homicide, they are relatively small, and more research on the theoretical mechanisms between RTC laws and crime is needed.

The null findings of this paper do have important policy implications. If the effects of RTC laws are truly net-neutral on homicide, the social benefits of these laws might be positive. For example, liberalized carry laws may have a positive social impact by eliminating the arbitrary nature of issuing permits under a may-issue regime and thus reduce the risk of unjust bias against racial, gender, or socio-economic groups in permit approval rates. RTC laws that allow government discretion have also been accused of corruption; for example, a Santa Clara County Sheriff was recently accused of selling permits to campaign donors. The permit approval rate in the county as a whole was 14%, but it was 90% for individuals who donated to the sheriff's campaign (Salonga 2022).

Even in a liberalized RTC context, shall-issue laws have many of the same issues regarding bias against different marginalized groups, even if discretion is removed. Costly licensing and training requirements, which are common in many shall-issue jurisdictions, may be more burdensome for some groups than others, such as women and poor African Americans (see, e.g., Lott 2016). Testing the effects of permitting regulations on the carrying behaviors of marginalized groups is certainly a topic for further research. In states like Illinois, where obtaining a concealed carry permit can cost hundreds of dollars, it would be surprising if these requirements did not affect different populations.

As noted in the literature review, firearms have also been shown to be an effective means of self-defense, which may mean that permit holders may lose less property or suffer less injury than they otherwise would in the event they are attacked, even if they fail to prevent the event from occurring in the first place via criminal deterrence (Kleck 1997). Thus, even if RTC laws do not deter homicide, they may reduce the severity of property loss during a robbery, the severity of the assault, or the likelihood of a sexual assault completion—more research on the effects of RTC laws, especially permitless carry, on other forms of crime ought to be conducted. Potential benefits for other types of crime and the permitting requirements provide clear, tangible, socially beneficial effects of liberalized RTC laws like permitless carry.

The social benefits (and costs) of RTC laws should not be limited to tangible or measurable outcomes as they often are in social science academic circles. A philosophical benefit of permitless carry laws is that they increase human freedom by eliminating government restrictions on individual freedom. In the Western liberal tradition, a human license is typically seen as a good thing: “Over himself, over his own body and mind, the individual is sovereign”, philosopher John Stewart Mill wrote in “On Liberty”. Human action should only be restricted if an action violates the harm principle—that is, if one's liberty harms another. Suppose RTC laws are not associated with deteriorating criminogenic outcomes and do not violate the harm

principle. In that case, there is a strong case to be made for the *intangible* social benefits of allowing human freedom and liberty to carry around with them a piece of their personal property—a firearm—for whatever reason they deem that course of action appropriate. Contemporary philosophers have continued to make non-consequentialist arguments about firearms, which ought to be considered when null findings pertaining to criminogenic outcomes are found in the gun control literature (e.g., Hsiao and Bernstein 2015).

This does not mean future research will not identify significant drawbacks to permitless carry. As we noted, RTC laws may reduce forms of crime not studied here but can also increase forms of crime not studied here, such as assault. This study focuses on homicide because homicide is the crime most likely to be elevated by ubiquitous firearm access (see Braga et al. 2021), and it is the most heinous, but other scholars have argued that shall-issue concealed carry laws may increase total violent crime (see, e.g., Donahue et al. 2019) or assault (Doucette et al. 2022). This could also be true for permitless carry; if it is, it renders the social impact negative.

Overall, we assess that if RTC laws do not increase homicide, the crime most likely to be increased by public firearm carrying, a strong case can be made that liberalized concealed carry laws have net-positive social effects by reducing burdens faced by marginalized groups who seek permits and simply by increasing human freedom in a situation where social consequences do not necessitate the need to restrict them. Our empirical findings confirm the limited previous published literature on permitless concealed carry which finds no detrimental outcomes in terms of homicide (Hamill et al. 2019; Adams 2022; Smith and Petrocelli 2018), and our null shall-issue finding is also well supported in the literature, and our results fit in well with the much larger the shall-issue literature (Moody and Marvell 2019; Moody and Marvell 2008; Black and Nagin 1998; Ludwig 1998).

Despite the strengths of this paper, this study is not free from limitations that can be addressed in future research. First, the empirical models in this paper assume an immediate increase in the number of permit holders in a state when a shall-issue law is passed, but the rate of increase in permit holders varies between shall-issue states (Lott 2010). Likewise, changes in carrying behavior, even in permitless carry states, may not occur overnight—if it happens at all. Second, while we include more permitless carry law states than prior studies and analyze the impact of these laws more rigorously than past research, many of these states have only had these laws for a few years. Future research will need to be done on the impact of permitless carry laws on homicide, especially as a bevy of states have adopted these laws after the study period. Third, state-level data can introduce problems related to aggregation. Despite the potential issues with county-level crime data reporting, aggregation issues may be addressed through the use of county-level or city-level data in future studies (Maltz and Targonski 2002; Lott and Whitley 2003). Fourth, even if permitless carry has no impact on homicide, it may potentially impact assault, rape, robbery, or suicide—both in a positive direction due to aggression and increased gun access or in a negative direction due to deterrence. Future research can answer these questions. Finally, it is exceedingly difficult to *prove* null findings; thus, future research is needed to continue to dig into the criminological effects of permitless carry laws.

CONCLUSION

The findings of this study indicate that there is no strong evidence to support a significant association between Right-to-Carry (RTC) laws and homicide rates. Both shall-issue and permitless carry laws are associated with statistically insignificant and consistently negative effects on total homicide rates. These results contribute to the ongoing debate surrounding gun policy and public safety by suggesting that the implementation of RTC laws does not appear to elevate risks to public health or exacerbate criminological outcomes, specifically regarding homicides.

As the discourse on gun violence continues among public health scholars, social scientists, and policymakers, these findings underscore the importance of evidence-based approaches to policymaking. While further research is necessary to explore the broader implications of RTC laws on other aspects of gun violence, this study provides valuable insights that question assumptions about their potential harm to public safety.

CONTRIBUTOR

The author contributed solely to the intellectual discourse that forms the foundation of this article, as well as its writing and editing, and assumes full responsibility for its content and interpretation.

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The Role of Civil Defense in the Republic of Serbia's Crisis Management System

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Abstract: *This paper examines the role of civil defense in Serbia's crisis management system, focusing on its contribution to prevention, preparation, response, and recovery phases. The study addresses the insufficient integration of civil defense at the national level and identifies its key functions and opportunities for improvement. Using literature analysis, legal frameworks, good practices, and expert surveys, the research highlights the need for a clear normative definition of civil defense's role within the system. It emphasizes the practical establishment and development of the system for effective crisis response. The conclusion underlines the importance of a proactive approach and strengthening community resilience by fully integrating civil defense into Serbia's crisis management framework.*

Keywords: *Crisis Management; Civil Defense; Serbia; Resilience; Social Communities; Cooperation; Human Resources*

INTRODUCTION

Challenges, risks, and threats to security in modern society are becoming increasingly complex and demanding, making a crisis management system necessary to secure protected values. In such conditions, civil defense in the crisis management system becomes crucial as an indispensable segment in preventing, preparing, and responding to crisis situations and recovering from them.

In the example of current crises, we can see how diverse they are because, in addition to conventional armed conflicts, they also include other conflicts, natural disasters (earthquakes, floods, fires), and dangers such as terrorist attacks, pandemics of infectious diseases, or cyber-attacks. Crisis management and civil defense are vital in solving and minimizing the listed crises' damage. Crisis management through planning, organizing, leading, and controlling all available resources enables an effective response to the crisis through its identification, risk assessment, development of management strategies, coordination between relevant actors, and implementation of rescue, recovery, and reconstruction plans after the crisis. On the other hand, civil defense provides a system of organized crisis response at the national level, which includes training of human resources, collection, and distribution of material resources, coordination between all relevant actors, and public education on preparing and responding to non-crisis situations.

Recognizing the importance of the civil defense system within the concept of crisis management is an inevitable step in defining a compelling concept because the civil defense

system enables the identification of potential dangers and taking preventive measures to reduce the risk of crises. Various types of training, simulations, and exercises prepare subjects for a quick and efficient response to crises, which means that the civil defense system enables early response, mobilization of resources, and rescue of the vulnerable population in the event of a crisis, as well as the reconstruction and rehabilitation of affected areas and communities.

The complexity of each crisis requires many activities at the national level to overcome it, which implies good cooperation and coordination of different levels of government, the private sector, non-governmental organizations, and citizens, and this is best achieved through an efficient and effective civil defense system, which ensures adequate response to all kinds of crises.

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

As with most security concepts, there is no consensus in the scientific literature about crisis, crisis management, and civil defense definitions. Contemporary understandings of crisis include complex and dynamic processes related to security, risk management, and response to unforeseen events. In ancient Greece, the word crisis (κρίσις) meant "judgment" or "decision", a crucial moment that decides the further positive or negative development of a thing or situation. In Chinese (Mandarin), the symbol for crisis (wei-ji) includes characters meaning "danger" (wei) and "change" (ji), indicating that a crisis is interpreted as "an opportunity for danger to occur" (Kešetović and Milašinović 2008, 3).

According to Quarantelli (2010), a crisis can be defined as "a sudden event or situation that poses a serious threat to lives, property, the environment or the normal functioning of society, and that requires urgent and coordinated actions to mitigate the adverse consequences" (p. 154). Faget (2018) contributes to the contemporary understanding of the crisis by emphasizing its evolutionary character. Crises are no longer seen as sudden incidents but as complex situations resulting from the interaction of various factors, including social, economic, political, and environmental dimensions. This perspective emphasizes the need for a holistic approach to crisis management that includes anticipation, prevention, preparation, response, and recovery. Kaldor (2013) additionally highlights the changes like crises in the modern era, emphasizing the emergence of new forms of violence and conflicts. She points out that blurred boundaries between military and non-military actors and hybrid threats often characterize contemporary crises. Contemporary understandings of the crisis inevitably emphasize its multidisciplinary character, dynamism, and complexity, and effective management strategies that are adaptive and proactive are required. Contemporary crises are characterized by:

- the existence of a pre-crisis and post-crisis state, and the change is irreversible;
- the breakdown is not caused by one specific event; there is a global resonance of various forms;
- basic, as well as procedures that are not normally questioned, are no longer applicable: e.g., fundamental principles, identities, contexts, actors, rules of the game, defense mechanisms, knowledge - all these tools must be reconsidered and problematized;
- breakdown brings repeated frequent crises, which suddenly crystallize, occur, and disappear in an apparently incomprehensible and random way;

- strongly and deeply rooted in system imbalance, breakdowns are even more resistant to conventional treatment;
- since “decomposition” is the most noticeable, the prevailing impression is that it is a general separation and disintegration process that is almost impossible to stop (Boin and Lagadec 2000, 185-191).

All definitions of the concept of crisis have in common that it means a deviation from the standard order of things due to different events, complexity, and duration than usual, and critical decisions are made in extraordinary circumstances (Ivanović 2014, 15).

In security sciences, crisis management is a comprehensive and strategic approach used to effectively respond to unexpected and disruptive events that may result in significant compromise. The primary goals of crisis management are:

- Proactive planning, establishment of crisis teams, procedures, and communication strategies before any crisis.
- During the crisis, it activates the crisis management plan, coordinating all capacities to deal with it as quickly as possible. This includes allocating resources, managing spillovers, and making critical decisions.
- After the initial response, moving into a recovery phase, focusing on solving any remaining problems and learning from experience to prevent future crises.
- Preserving reputation is a critical component of crisis management. The most important steps are effective communication with stakeholders, transparency and commitment to ethical crisis resolution.
- Crisis management includes taking measures to increase resilience ensuring future progress in dealing with crises (Mizrak 2024, 256).

Crisis management consists of identifying, analyzing, and predicting possible crises and establishing specific ways of preventing or overcoming the crisis while minimizing the consequences and recovering and returning to normal as soon as possible. Therefore, crisis management refers to all activities directed at managing the system in a state of disruption: prevention, preparation, mitigation, and recovery. It involves shaping procedures, agreements, and decisions that influence the course of the crisis and includes organization, preparation, measures, and resource allocation for overcoming it (Kešetović and Milašinović 2008, 51-52).

Modern states and other organizations typically have strategies for overcoming crisis situations regarding preparedness and adequate response - this is their crisis management system. Given that crises are almost inevitable today, it is essential to be prepared for and manage them, representing one of the main tasks of crisis management. For example, some research has shown that in most Local Self-Government units (LSGs), there are severe difficulties in managing emergencies, especially concerning civil protection. It was established that many LSGs do not have a plan for using civil protection units, nor is there an organized command system for those units. This directly affects emergency management and its implementation as a practice in raising the capacity of LSGs to manage emergencies effectively (Karoović et al. 2023).

In addition, the issue of protecting human rights and freedom during crisis situations is becoming more and more complex. After the COVID-19 pandemic, it became clear that special attention must be paid to this problem and that the experiences gained during the pandemic

can be compared to any crisis situation, which resulted in the draft document of the European Commission, Recommendation of the Committee of Ministers on the effective protection of human rights in crisis situations (Council of Europe, Draft Recommendation of the Committee of Ministers 2024). During crisis situations, human rights and freedom are often violated, especially in the case of sensitive categories of society such as women, children, the elderly, and people with special needs. The document of the European Commission emphasizes that human rights must not be violated even in the most challenging circumstances and that every country must ensure their respect and protection in all crisis situations. An effective crisis management system and civil defense framework ensure adherence to the principles of the rule of law and facilitate management based on the principles of legality, necessity, proportionality, predictability, and timeliness during crisis situations.

Crisis management in the European Union (EU) establishes a comprehensive framework for its activities to build resilience through prevention and promote a culture of prevention. In this perspective, risk assessments, action planning, and capacity assessments carried out by each Member State at the national or sub-national level are essential to ensure an integrated approach to crisis management that effectively links prevention, preparedness, and response activities (EU Civil Protection Mechanism). NATO's crisis management concept encompasses both military and non-military measures, relying on experience, proven procedures, and an integrated military command structure to address a wide range of crises. This approach makes NATO a unique international organization with established mechanisms for effectively conducting crisis prevention and management operations. NATO's robust crisis management capabilities enable it to counter a wide range of threats to the security of the Alliance's territory and population.

Furthermore, NATO recognizes that military forces alone are often insufficient to address crises, emphasizing the invaluable role of civil defense in achieving effective crisis management (NATO Crisis Management 2024). NATO and the EU are developing cooperation among their crisis management mechanisms to coordinate joint activities and enable the most effective response to crises. Concrete cooperation is particularly vital in the fields of defense and combating hybrid threats, involving regular consultations and joint exercises to ensure interoperability between military and civilian forces during crisis situations. These efforts are driven by a shared interest in strengthening crisis management through programs and initiatives that support member states and partners in enhancing their crisis management capacities.

At the national level in the Republic of Serbia, the crisis management system gains particular importance considering the complexity of defending and protecting national values and interests and facing numerous challenges and threats that can cause countless crisis situations. In the Republic of Serbia, the crisis management system is under the jurisdiction of several state bodies. The Ministry of Defense, the Ministry of Internal Affairs, and the Ministry of Environmental Protection hold the most significant roles.

The Ministry of Internal Affairs, through its organizational unit - the Sector for Emergency Situations - participates in the crisis management system by addressing internal crises that include protection and rescue and fire protection. In cases of dealing with more complex crises, the Ministry of Internal Affairs engages other organizational units, such as special police units.

The Ministry of Environmental Protection participates in the crisis management system through its various sectors for environmental management, nature protection, air and ozone

layer protection, international cooperation, projects and climate change, waste and wastewater management, and environmental monitoring and preventive action. However, its role is limited to monitoring and prevention, as it lacks the capacity to counteract crisis situations and mitigate their consequences (Ministry of Environmental Protection Sectors).

The Republic of Serbia's Ministry of Defense is one of the most crucial entities in the crisis management system. The Defense Law of the Republic of Serbia regulates the defense system, the competencies of state bodies and the Serbian Armed Forces in defense, as well as the rights and duties of state bodies, autonomous provinces, local self-government units, citizens, companies, other legal entities and entrepreneurs in defense. Defense is achieved by engaging all available human and material resources and is ensured by using the Serbian Armed Forces and other defense forces (Defense Law, Official Gazette of the Republic of Serbia No. 36/2018). According to the Defense Law, the defense of the Republic of Serbia encompasses both military and civil defense, which defines the place of civil defense within the crisis management system of the Republic of Serbia. Military and civil defense are the two most important pillars of the defense of the Republic of Serbia. However, in practice, it can be observed that the civil defense system has long been neglected in comparison to military defense. Since it is an integral part of the defense system, civil defense should be constituted on the same legal foundations as military defense. This system is under development, concluding that the entire crisis management system may prove ineffective in crisis situations if civil defense is not established on systemic foundations and principles of crisis management.

The Defense strategy of the Republic of Serbia defines civil defense as:

[A] part of the defense of the Republic of Serbia focused on preparations for the defense and defense of the Republic of Serbia with non-military means. It is implemented in peace, state of emergency, and war through a set of measures and activities aimed at ensuring the successful functioning of state bodies, bodies of autonomous provinces and local self-government units, business companies, and other legal entities; creation of conditions for life and work of citizens; meeting the needs of the defense forces; planning and implementation of citizen training plans for the defense of the country; coordination of protection and rescue operations; execution of military, labor and material obligations, as well as mobilization (The Defense strategy of the Republic of Serbia 2019).

While in the Law on Defense (2018) it is defined as:

[A] part of the defense of the Republic of Serbia, which includes a set of measures and activities aimed at: preparations for the defense and defense of the Republic of Serbia with non-military means, ensuring the successful functioning of state authorities, authorities of autonomous provinces and local self-government units, business companies and other legal entities, protection and rescue and provision of conditions for the life and work of citizens and meeting the needs of the defense forces in a state of emergency and war - from which its role and importance within the system of crisis management.

Definitions from normative acts determine that civil defense is an integral part of the country's defense and protection system, representing a form of civil organization of the state

and society with the primary goal of protecting and defending the population and material resources in crisis situations. It is characterized by a set of organized and functionally coordinated elements whose actions successfully overcome crisis situations in peacetime and wartime (Mišović and Kovač 2006, 461).

Crisis management and civil defense are closely related because the civil defense system must be seen as a component of the crisis management system. Crisis management and civil defense serve a common purpose that includes the protection of the entire social community in crisis situations, which implies that the existence of a civil defense system in the context of crisis management is necessary for an effective response to crises. Within crisis management, it is imperative to find opportunities to establish an effective civil defense system capable of preventing crises, confronting them, and eliminating their consequences, while the priority should be strengthening resilience. After many years of neglect of this system, and as a function of its development, civil defense in the Republic of Serbia must be organized based on systemic principles and principles of crisis management because this enables quick, efficient, and effective action in crisis situations, which aims to reduce the negative impact on protected values. The civil defense system is a system that represents a set of elements that interact with each other and serve a common purpose. Such a system is established for society to successfully respond to any type of crisis situation, so its organization on the principles of crisis management is necessary.

RESEARCH METHODS

The research collected data using content analysis and survey methods, with the survey as the primary research instrument.¹ The investigation covers the civil defense system of the Republic of Serbia. The survey method was used to gather data on the elements necessary for the existence of an effective civil defense system in the Republic of Serbia and the impact of these elements on the development of the system (Mladenović et al. 2023). Due to the specificity of the research subject, experts from all entities within the civil defense system at all levels of government were selected, including the Ministry of Defense and the Serbian Army, the Ministry of Internal Affairs, state authorities, authorities of autonomous provinces and local government units, public enterprises, business companies, entrepreneurs, and civilians. The research also involved participants with professional experience in civil defense over the past 20 years. The competencies of the research participants were determined using a combination of functional and behavioral competency models. This approach ensures that the experts are highly qualified in the subject area and possess abilities for rapid learning, adaptability to change, effective communication, and improvement of interpersonal relationships (Rodriguez et al. 2002). The functional competency model assesses the quality of job performance in a specific field and the possession of knowledge and skills that enable above-average performance (Wickramasinghe and Zoyza 2011).

¹This research was part of the doctoral dissertation: Mladenović, M. 2023. "Development of Civil Defense in the Republic of Serbia for Reducing the Vulnerability of the Civil Population and Material Resources". Doctoral dissertation. Military Academy, University of Defense, Belgrade.

The behavioral competency model evaluates the behaviors and capabilities of experts, such as attitudes, motivation, and personal traits. By combining the functional and behavioral models for determining competencies, the selected experts:

- possess comprehensive knowledge of the subject area and the ability to apply it effectively,
- have the ability to perform a wide range of tasks within the subject area,
- have the capability for further development and advancement in the subject area,
- have appropriate personal and professional values and abilities that enable the acquisition of reliable information.

The research results were presented using statistical methods. The study was conducted on a selected partial statistical sample of individuals from strategic, operational, and tactical levels of management in the Republic of Serbia. The statistical unit in the sample consists of individuals who are experts in the subject area. A representative sample was determined using the formula for calculating sample size in cases where it is unknown or excessively large (Field 2009), given that the civil defense system encompasses all human and material resources of the Republic of Serbia.

Sample size calculation formula:

$$n = \frac{z^2 \cdot p \cdot q}{e^2}$$

Where:

n = sample size

z = normal deviation (z-score) corresponding to the chosen confidence level. For a 95% confidence level, z=1.96

p = proportion of the sample expected to choose a particular answer. With 5 answer options in the survey, the proportion is 20% and p=0.2

q = 1-p, which is q=0.8

e = margin of error. The allowable margin of error in the study is 10%, so e=0.1

$$n = \frac{1,96^2 \cdot 0,2 \cdot 0,8}{0,1^2}$$

$$n = \frac{0,614656}{0,01}$$

$$n = 61,4656$$

In this study, a representative sample size of 61 was calculated using the specified formula. A total of 67 responses were received, exceeding the required sample size. This larger sample enhances reliability and validity, reduces the margin of error, and improves representativeness.

RESEARCH RESULTS AND DISCUSSION

Compared to the period after the Second World War, the focus of civil defense, its goals, and tasks have changed significantly, which has led to the inclusion of civil defense in the broadest aspects of protecting the population and society's values in all crisis situations. As part of the defense system, the civil defense system of the Republic of Serbia has strategic importance. It is aimed at the defense and protection of a country's most important protected values so that its development contributes to the development and improvement of the entire crisis management system. Civil defense has as its primary goal the safety of people, material resources, and the environment, which it achieves by limiting the effects and consequences of a crisis, ensuring quick responses, and creating a new culture in the area, primarily emphasizing the importance of prevention, resilience and risk reduction (Mladenović 2023, 87).

After the Cold War, the civil defense systems in most countries around the world collapsed, exposing their weaknesses under modern security conditions. This highlighted the need for a new and comprehensive approach to civil defense, particularly in Europe and the Republic of Serbia. As a vital component of an effective defense architecture, civil defense requires a redefined understanding and efficient implementation to ensure that every country can establish its security functions as effectively as possible. Crisis management and civil defense play an essential role in preventive activities, especially during crisis situations when these systems gain a special dimension due to lack of time, accelerated consumption of resources, and constant changes in conditions (Kovačević, Nikolić, and Komazec 2024). The renewal of the concept of civil defense throughout Europe is essential for its security, and it seems that the countries of Europe are finally taking this into account. The concept of civil defense contributes to a comprehensive understanding of security and is a necessary element in supporting military defense, protecting the civilian population, and preserving material resources. Civil defense implies the systematic and comprehensive establishment of a structure to strengthen civil society's resistance to all internal and external crises. By establishing a civil defense system in Europe, coordinated and complementary action of all countries can be achieved in a crisis situation of any scale (Mladenović et al. 2024).

In Ukraine, which is engulfed in armed conflicts, where the civilian component and civil defense play a vital role in protecting and defending protected values during the conflict, there has been a change in the understanding of the roles and importance of this system. European countries increasingly realize they need to establish a civil defense system even without a conflict on their territory because it may be too late when a crisis already occurs (Braw 2022). Countries like Sweden and Denmark are reviving the concept of civil defense, indicating a growing belief that it encompasses more than just preparedness for crises; it completes the total defense concept. Most European countries are embracing the comprehensive development of this system. Europe is rethinking civil defense by incorporating new technologies, engaging as much of society as possible, and encouraging international cooperation within the crisis management framework.

In the context of modern crises, where all aspects of human life and work are affected, and weapons of mass destruction cause both direct and indirect consequences, there is a pressing need for increased organization and engagement of the population during crises.

A civil defense system's development and successful functioning within crisis management creates realistic conditions for reducing human and material losses and providing timely assistance. The most effective crisis management systems are those in countries that have adopted the concept of total defense, as all potential resources of such a state are directed toward defense. Total defense encompasses all military and civilian activities to prepare the state and society for crisis situations. This concept implies a high level of readiness in the defense system during crises. Applying this concept means that, in times of war or emergency, all parts of society, both military and civilian, are involved in defense efforts (Belgrade Centre for Security Policy (BCSP) 2021).

The military component and civil defense are parts of a unified defense system of the country, both in terms of purpose and function. The army is a factor of deterrence from armed intervention and a force capable of armed combat. At the same time, civil defense is a force that provides the needs of the army (military forces) and the protection and functioning of all state and local institutions. Civil defense encompasses all state and societal activities and the utilization of human and material resources vital to national defense. These activities are indispensable to the armed forces, as the defense of a state relies on the collective efforts of all its resources. The state's ability to respond effectively to various crisis situations depends on the overall capacity of its civil defense system. By ensuring the survival of the state, civil defense creates the conditions for the efficient operation of the entire state apparatus. Simultaneously, it supports the armed forces and other crisis management entities, facilitating the effective management of crises and the protection and rescue system.

The civil component of the total defense concept has long been neglected. The growing number of hybrid threats characteristic of the 21st century drives its revival and increasing importance. The new Swedish Minister for Civil Defense believes, "Everyone needs to know what to do if a crisis or war occurs; civil defense starts with you and me. What should we do if a crisis or war comes?" (Braw 2022). Given the high vulnerability of modern civil societies, this question can also be asked of other countries, and previous experiences have shown that the civil component is crucial in national defense systems. Civil defense begins with the individual and their preparedness, as the more people can manage independently in crisis situations, the better the state can focus on helping those in the most difficult situations (Government Offices of Sweden 2024).

Countries that successfully implement the total defense concept include Sweden, Singapore, Estonia, Lithuania, Israel, Norway, Switzerland, Austria, Russia, and Serbia. Sweden and Russia have developed the most comprehensive total defense concepts in Europe. In Russia, in addition to the Ministry of Defense, there is also a Ministry of Civil Defense, while Sweden established the position of Minister for Civil Defense in 2024.

The crisis management and civil defense systems in the countries of the Southwestern Balkans often vary depending on their level of development and membership in international organizations such as NATO and the EU. Crisis management systems generally share similar foundations in countries that are candidates for EU and NATO membership, as well as those that are not members. These systems aim to align with the guidelines of the international organizations and institutions they belong to or aspire to join, reflecting a commitment to adopting best practices and international standards in crisis management and civil defense.

In the Republic of Albania, the crisis management system is based on the development of the National Crisis Management Platform, in which all capacities of society play a role. In crisis management, the government occupies the most important place, the Ministry of Internal Affairs, the head of the Regional Commission for Emergency Situations, and regional and local authorities (European Committee of the Regions - Albania 2024). Albania also joined the EU Civil Protection Mechanism in 2022. The situation is similar in North Macedonia, which, with its National Platform (North Macedonia National Platform 2024), which includes political, administrative, operational, and professional levels, wants to show that it is going to step with all the achievements of crisis management of international organizations in which participation takes the entire social potential. The complex political situation and territorial organization of Bosnia and Herzegovina bring great difficulties to implementing the crisis management system in this country. Bosnia and Herzegovina (BH) and its legal entities, the Federation of Bosnia and Herzegovina (FBiH), Republic of Srpska (RS), and Brčko District (DB), have ratified specific laws on crisis management and crisis response. However, their implementation is hampered by a lack of cooperation and coordination between these entities, so the entire crisis management system is unreliable. Parallel systems follow the organization of the civil defense system in all entities, which leads to a lack of functionality due to the intertwining of numerous functions and responsibilities with a constant lack of communication, coordination, and cooperation between the subjects of the civil defense system at different levels (Karajlić and Smailbegović 2021, 11). Bosnia and Herzegovina has, among other things, accepted all EU crisis management mechanisms, such as the emergency number 112, but their implementation in practice is still in its infancy. The crisis management systems of Montenegro, Bulgaria, and Greece are conditioned by the characteristics required by membership in NATO and the EU, so these systems are modeled after the systems of these organizations with certain specific characteristics required by local and regional challenges.

Considering the current state of security in the world marked by numerous armed conflicts, migrant and energy crises, and local crises such as natural disasters, the crisis management systems of the Southwestern Balkan countries must strive for greater efficiency and effectiveness. Regional cooperation between these countries is of inestimable importance because contemporary crises often cross individual countries' borders and require a collective response.

In the example of the adopted concept of total defense of the Republic of Serbia, one can see expressed views on the integration of military and civil defense, which should enable a synchronized response of the subjects and forces of the defense system to all challenges and threats to national security. After the long-term collapse of the civil defense system, in the new Concept of Total Defense and the White Book of Defense, there are indications of the intention to improve and develop this system and eliminate numerous deficiencies in the existing normative regulation. The new documents define how this system functions, which has not been the case until now. The White Book of Defense defines other defense forces as forces that will be focused on preparations for the defense and defense of the Republic of Serbia by non-military means. Training civil defense commands at all levels of the state organization are planned to manage the defense forces that perform civil defense (White Book of Defense 2023, 21-43). The Civil Defense Command will, in a state of emergency and war, defend the Republic of Serbia with non-military means by:

- manage subordinate defense forces and civil defense commands in the execution of assigned tasks in the defense of the Republic of Serbia;
- manage and coordinate the provision of conditions for the functioning of state bodies, bodies of autonomous provinces and local self-government units, legal entities, and entrepreneurs;
- manage and coordinate the provision of living and working conditions for citizens;
- manage and coordinate the provision of conditions for meeting the needs of the defense forces;
- manage and coordinate the implementation of civil protection measures;
- plan and implement training plans for citizens for the defense of the country;
- carry out military, labor, and material obligations, as well as mobilization;
- coordinate and direct preparations for unarmed struggle and resistance;
- monitor the capabilities of other civil defense forces and propose measures for their improvement;
- perform other tasks determined by law and defense plans (Concept of Total Defense 2023, 9).

The Civil Defense Command, in a state of emergency and war, will manage and coordinate the headquarters for emergencies and coordinate with the Ministry of Internal Affairs for the implementation of civil protection tasks and the centers of the Ministry of Defense for the implementation of other civil defense tasks, in the zone/region of its responsibility. The Civil Defense Command will coordinate and cooperate with the Military Defense Forces and, if necessary, send representatives or a team to them (Total Defense Concept 2023, 6-13). The function of the civil defense system within crisis management can also be seen within the third mission of the Serbian Armed Forces of Serbia - support to civil authorities in confronting security threats (Figure 1). Operations to support civil authorities in confronting security threats are carried out in case of internal threats to security - terrorism, separatism, organized crime, natural disasters, and technical-technological accidents. The goal of conducting operations is to support civil authorities and the population in protecting and saving people's lives, material goods, and the environment.

The basic preconditions for the success of the operations are direct cooperation and coordination with the state authorities that lead all the forces in the threatened area and the use of fully trained and equipped military units (Doctrine of Operations 2017, 37).

Table 1: Operations of the Army (Source: Land Forces Doctrine 2012)

OPERATIONS SUPPORTING CIVIL AUTHORITIES
Non-Combat Activities
Evacuation of the Population
Distribution of Essential Life Supplies
Provision of Health Services
Assistance in Mitigating the Effects of Natural and Technical-Technological Disasters
Objectives
Preservation of Population Lives
Restoration of Essential Public Services
Protection of Infrastructure
Support for Local Government Authorities
Creating an Environment for the Success of International Humanitarian Organizations' Activities

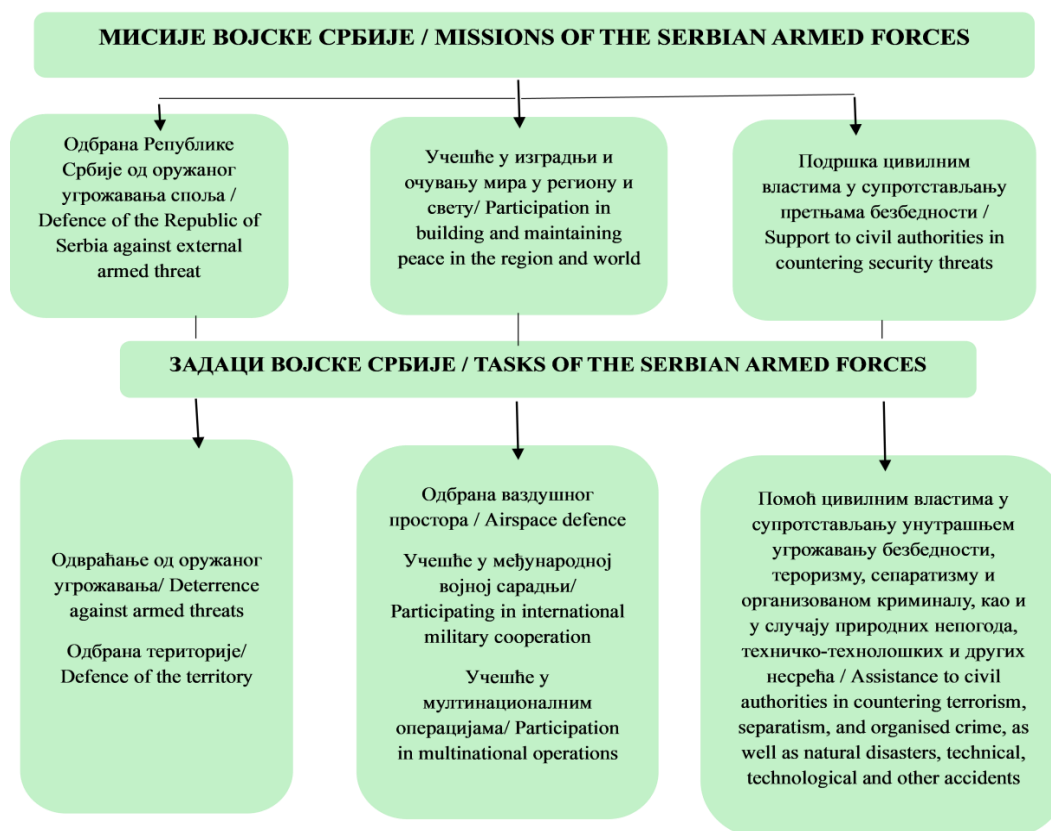


Figure 1: Missions and Tasks of the Serbian Armed Forces
(Source: White Paper on Defense of the Republic of Serbia 2023)

The defense system of the Republic of Serbia, with civil defense as a key component, forms the backbone of the country's entire crisis management framework. Civil defense plays a crucial role in this system by defending and protecting vital values during crises, ensuring efficient and timely responses to minimize damage and risk. Doing so significantly contributes to strengthening community resilience and enhancing cooperation among local, regional, and national institutions. Civil defense encompasses much more than crisis preparedness; it involves assessing all potential threats and mobilizing resources to provide the most effective deterrence against various risks, all while ensuring proper planning and organization at the national level.

The civil defense system of the Republic of Serbia is still evolving, facing numerous challenges in its development, but it also presents many opportunities for improvement. The first crucial step in establishing an effective civil defense system within the country's crisis management framework is creating an adequate normative framework. This framework will provide the legal and regulatory foundation necessary to guide the development of civil defense, ensuring its alignment with international standards and ability to address emerging threats and crisis situations effectively. The new Concept of Total Defense (2024) and the White Paper on Defense (2023) show progress in defining and organizing this system, which additional normative regulations with many shortcomings should complement. Analyzing normative documents of the Republic of Serbia in civil defense reveals that a comprehensive reform of these documents is necessary to create appropriate foundations for the normative, institutional,

and organizational development of the civil defense system of the Republic of Serbia. The Constitution of the Republic of Serbia does not explicitly address civil defense, while it recognizes military defense, suggesting that the constitutional framework should also acknowledge the strategic importance of civil defense and create the necessary conditions for its comprehensive development. Although the Constitution does not directly establish civil defense provisions, it does proclaim the right to defense, which provides a partial basis for the development of a civil defense system. This constitutional recognition allows for the legal foundation to be laid for establishing and strengthening civil defense as a critical element of the country's overall defense strategy (Figure 2).

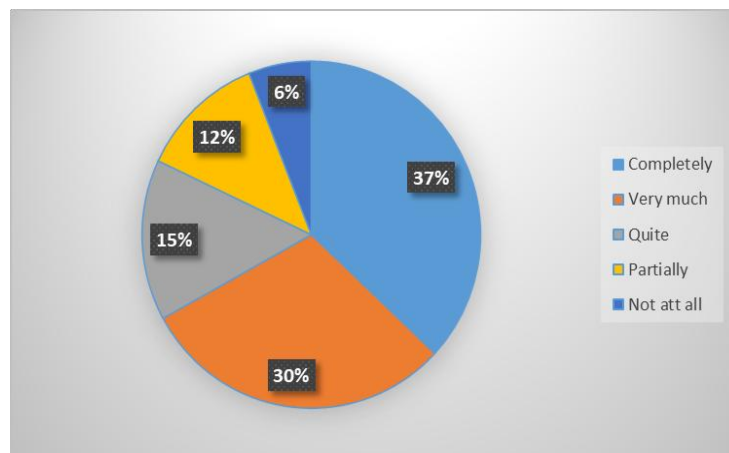


Figure 2: Constitutional Provisions Establishing the Foundations of the Civil Defense System in the Republic of Serbia (Source: Mladenovic 2023, 219)

The National Security Strategy of the Republic of Serbia does not recognize civil defense as part of the defense system and, as a result, does not provide the legal foundation for a comprehensive defense system that unequivocally includes both military and civil defense (Figure 3).

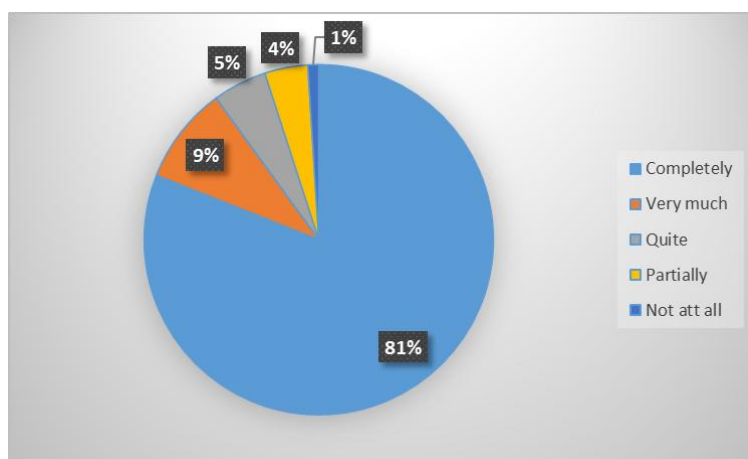


Figure 3: Necessity of the Civil Defense System Within the Defense System of the Republic of Serbia (Source: Mladenovic 2023, 217)

The Defense Strategy of the Republic of Serbia does not provide a clear and precise definition of civil defense, including its structure (entities and forces), objectives, and tasks, despite the anticipated need for its regulation and improvement. The strategy fails to regulate civil defense systematically, thereby not creating the necessary conditions for its development and enhancement. Consequently, normative documents of the Republic of Serbia should establish the organization and define the functioning of the civil defense system (Figure 4).

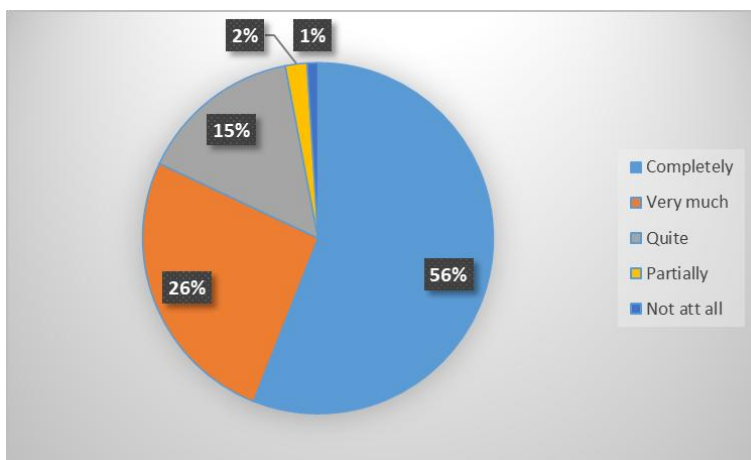


Figure 4: Normative Documents of the Republic of Serbia Establishing the Organization and Functioning of the Civil Defense System (Source: Mladenovic 2023, 220)

In response to the assessed challenges, risks, and threats, the Republic of Serbia must establish an efficient and effective civil defense system, as civil defense constitutes an activity of strategic importance for the country (Figure 5).

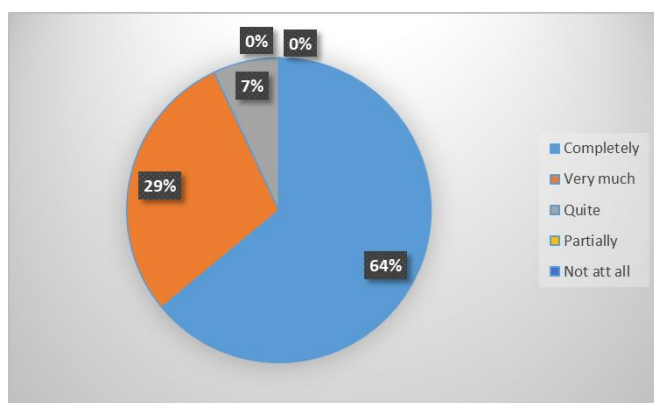


Figure 5: Civil Defense as an Activity of Strategic Importance for the Republic of Serbia (Source: Mladenovic 2023, 216)

Advancements in establishing and developing the civil defense system in the Republic of Serbia are evident in the adoption of the new White Paper on Defense and the Concept of Total Defense, both of which dedicate significantly more attention to civil defense. However, inadequate normative regulation remains one of the key challenges in the development of this

system. The normative and institutional framework for civil defense requires updates to regulations and alignment with international standards and practices. This also involves clearly defining responsibilities, authorities, and coordination, a process that has begun in the new White Paper on Defense and will facilitate improvements in the planning process within the civil defense system. The regulatory framework should ensure the allocation of appropriate budgetary resources for civil defense, supporting the modernization and procurement of adequate resources to implement its functions within the crisis management system effectively. Together, these efforts contribute to developing an efficient and effective system that is only partially realized (Figure 6).

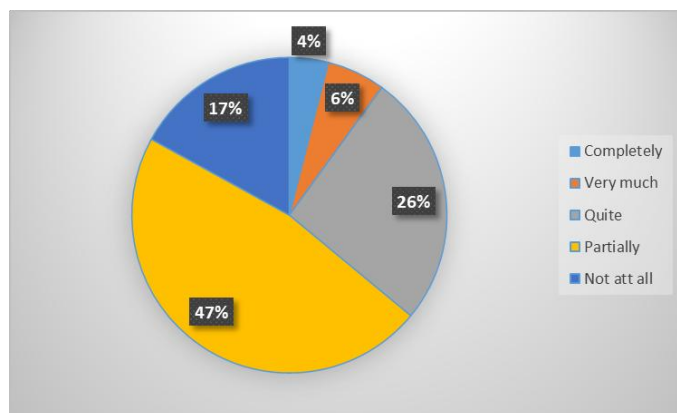


Figure 6: The Republic of Serbia's Efficient and Effective Civil Defense System in Practice
(Source: Mladenovic 2023, 217)

Collaboration and coordination at all levels of government organization and on an international level are crucial for effectively countering crises. The organization of the civil defense system should follow the territorial structure of the Republic of Serbia, meaning it should be developed according to the administrative-territorial division of the state and represented at all levels of government organization (Figure 7).

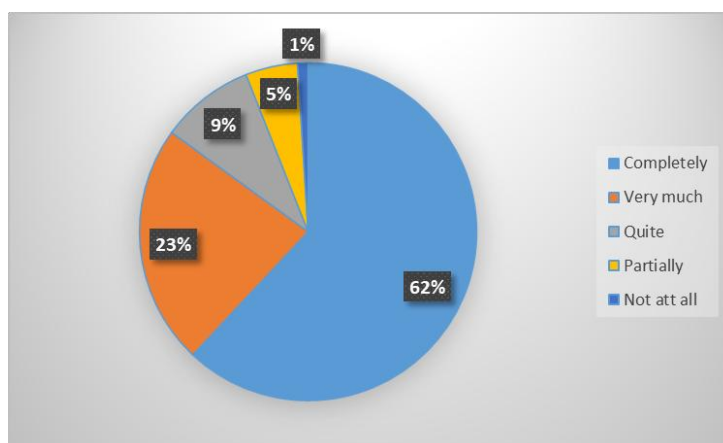


Figure 7: Organization of the Civil Defense System According to the Territorial Structure of the Republic of Serbia
(Source: Mladenovic 2023, 238)

A prerequisite for the active participation of all stakeholders in the civil defense system is establishing an appropriate education system (Figure 8). Developing civil defense within the crisis management system also entails raising awareness and educating citizens about its importance and how they can participate. Civil defense entities and forces should consist of highly educated human resources capable of collaborating with educational institutions to establish and improve the civil defense education program. Additionally, integrating modern technologies into the civil defense system, including digital platforms for communication and coordination, is a crucial step in its development, particularly for early warning systems and monitoring potential threats. Innovative solutions facilitate efficient resource and operations management in crisis situations.

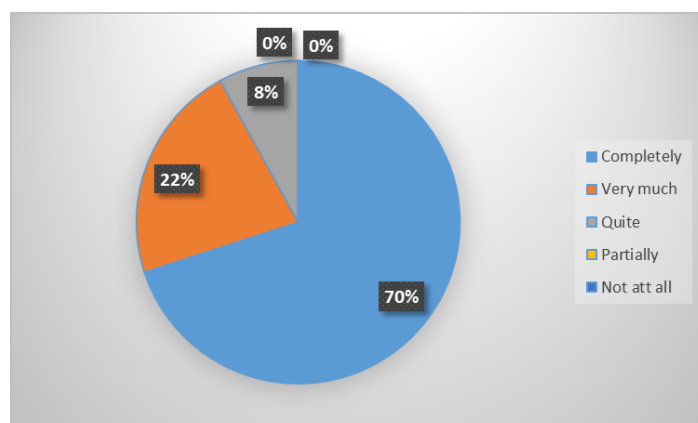


Figure 8: Necessity of Establishing an Education System for the Functioning of the Civil Defense System at All Levels of Education (Source: Mladenovic 2023, 239)

All these challenges simultaneously present opportunities for the development of the civil defense system within the framework of crisis management and allow for the adaptation of the civil defense system to new challenges, leading to the development of strategies and plans for the prevention and response to various types of crises with continuous monitoring and risk assessment for the purpose of as efficient crisis management as possible and the creation of a civil defense system that can respond to all potential crisis situations.

CONCLUSION

The role of civil defense in the crisis management system of the Republic of Serbia is essential for effective response to crisis situations and preserving protected values. Research within this paper shows that civil defense is considered an important part of the national crisis management system in certain normative documents. However, its practical action is limited by an underdeveloped normative framework, limited resources, and a lack of effective inter-institutional cooperation and coordination. In addition, the population's low awareness of the importance of civil defense and the need for continuous education makes its work even more difficult. These factors currently reduce civil defense's effectiveness in all crisis management phases: prevention, preparation, response, and recovery.

The research's practical implications show that improving civil defense in these segments is necessary for the best possible response to crises. Focusing on training, education, and raising awareness among all subjects would be essential to strengthening this system and ensuring a faster and more effective response in crisis situations.

In the future, the civil defense of the Republic of Serbia must continue with adaptation and modernization to adequately respond to new challenges, risks, and threats. This paper emphasizes the need for a broader and more proactive approach to the role of civil defense in crisis management. Further research could be focused on identifying specific steps that would enable better implementation of theoretical crisis management models in practice, making the civil defense of the Republic of Serbia more flexible, modernized, and ready for contemporary crisis situations.

Civil defense is necessary for any modern state to continue the functioning of the state and society in all crisis situations, especially in war. This implies the protection of the civilian population and a guarantee that the provision of basic goods and services can continue, thus supporting military defense and strengthening the will of every citizen to defend the country, which implies that further research in this area is necessary.

CRediT AUTHOR STATEMENT

Milica Mladenović: conceptualization, methodology, validation, writing-original draft, writing-review and editing, visualization, formal analysis, resources. **Nenad Komazec:** conceptualization, validation, visualization, resources. **Siniša Domazet:** conceptualization, validation, visualization, resources.

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The New Trend in the EU's Migration Policy: Is Externalization Any Better?

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Abstract: *The highly dynamic security environment, characterized by numerous disturbances such as armed conflicts, civil wars, and political and social instability in various parts of the world, has led millions of people to flee their countries of origin – as of 2023, this number is 117,3 million. Against this background, the EU's migration policy has shifted from predominantly "open-door" during the 2014-2016 migration inflows to more restrictive measures to secure external borders. Part of these actions were the agreements with third countries as an alternative to effectively combatting irregular immigration. This paper aims to identify gaps in these EU agreements and suggest a more comprehensive approach. Comparative analysis, documentary analysis, and statistical data analysis were used in this respect.*

Keywords: *EU Migration Policy; Migration Agreements; Externalization; Irregular Migration; Migrant Smuggling*

INTRODUCTION

The importance of better managing migration processes has become increasingly relevant these days due to many factors that stimulate the international movement of people, which, in recent years, has reached unprecedented rates since the Second World War. According to the 2024 World Migration Report by the International Organization for Migration (IOM), as of 2020, there are approximately 281 million international migrants worldwide, which equates to 3.6% of the global population. Of these, 117 million were forcibly displaced in 2022 due to conflicts, violence, political or economic instability, climate change, and other disasters (IOM 2024). In this regard, among the events on the international scene that have contributed to the increase in migration inflows to the EU over the past decade were the anti-government protests, mass uprisings, and armed rebellions that spread across the Arab world in the early 2010s (and the subsequent European migration crisis of 2014-2016), the Taliban takeover of Afghanistan after the North-Atlantic Treaty Organization's (NATO) withdrawal in 2021, and the Russian invasion of Ukraine in 2022, to name a few.

The disturbances mentioned above directly impact the European Union (EU) because the EU Member States, with their comparatively better economic and social conditions, are quite an attractive destination for migrants (Luyten 2023, 2). Forced to find the best decision for the overall management of these processes, the EU decision-makers have changed their position from a predominantly "open-door policy" to a more restrictive "fortress Europe" approach (Cymbranowicz 2018, 53-70), which is not only visible in the EU Member States but also in Türkiye, the second largest migrant host-country globally (UNHCR 2023a), as indicated by some



studies (Olejárová 2018, 117-133). In its attempt to shift to the new approach, however, the EU faced another challenge - irregular migration¹- a problem especially for the EU Member States at external borders, such as Bulgaria, Greece, and Italy.

Migratory flows and migrants are not intrinsically regular or irregular: that nature will only stem from the fulfillment (or not) of the legal requirements set for the legal entry or stay into a state's territory (Cardoso 2023, 487-488). As such, the status of a migrant can oscillate between regular and irregular over time, depending on whether they respect the legal requirements of the territory they are entering or staying in (Carrera and Guild 2016, 3). However, this phenomenon significantly impacts Member States at the forefront of migratory flows. For instance, the issue of irregular migration was one of the reasons for Austria's veto on the entry of Bulgaria and Romania into the Schengen area (Schengen News 2024).

To reduce the number of illegal border crossings and to address irregular migration, the EU switched its foreign policy, especially following the so-called migration crisis of 2014-2016. This shift resulted from the New Migration Partnership Framework, which reinforced cooperation with third countries to manage migration better (European Commission 2016), announced by the European Commission (EC) in June 2016. Since then, the EU has struck many deals with third countries in an attempt to curb irregular migration, such as the EU-Türkiye Statement and Action Plan, EU-Tunisia agreement, the EU-funded Libyan coast-guard, and the most recent EU-Egypt agreement, signed in March 2024.

However, after 2021, there has been a new influx of newcomers to the EU due to the latest military conflicts worldwide. Despite the agreements, many people continue to enter the EU irregularly. In this regard, the main objective of this study is to assess the overall effectiveness of these cooperation agreements with third countries in reducing the flow of irregular migrants into the EU's territory. This will be achieved through document analysis, comparative analysis, and critical statistical data analysis, including data on the number of irregular border-crossing entries at the external borders of the EU Member States, aggregated by routes and nationality. Upon entering the EU territory, many people are sent back because they fail to meet the requirements for obtaining protection (asylum) or other legal statuses that permit them to remain in the Member States, which will also be examined in this study. Given the close connection between irregular migration and migrant smuggling, the number of suspected and arrested persons involved in smuggling activities will also be explored, as this is one of the critical issues at the forefront of the EU's "fight" against this phenomenon. Finally, the study will conclude with reflections and recommendations based on identifying gaps in current research.

¹The authors wish to emphasize that the terms "irregular" and "illegal" used throughout the article to characterize the nature of the entry of migrants into the EU's territory should in no way be interpreted as introducing a moral judgement into the topic. These terms are used solely in order to effectively convey the non-compliance with pre-established requisites for lawful entry into the territory of the EU.

LITERATURE REVIEW

Migration and refugee studies have been popular among researchers for decades. However, interest in the topic has increased since WWII, leading to unprecedented human displacement. That is also when the foundations are laid for the legal and normative regulation of migration, with the adoption of the 1951 Refugee Convention and its 1967 Protocol. On the other hand, the services provided by smugglers and their use by migrants only garnered the (successful) attention of international legislators much later, in 2000, with the adoption of the Protocol Against the Smuggling of Migrants by Land, Sea, and Air, supplementing the United Nations Convention Against Transnational Organized Crime. This protocol was historically the first legislative document to define this phenomenon (Gallagher 2018, 21), following the intention of many individuals from the former Soviet Union in the 1990s to migrate west, often with traffickers who presented false work-related prospects (Mai 2013, 107). These documents, in addition to shaping the work of the UNHCR, have been incorporated into the national legislation of many countries and continue to influence these issues to this day. Over the past 70 years, the situation has undergone significant evolution, driven by the emerging challenges faced by the world.

The current security environment places the EU in a situation where it is under pressure to accept a growing number of people seeking asylum. Due to the urgent need to rapidly flee their countries of origin, many of these people attempt to enter the EU through irregular means, thus bypassing restrictions on leaving or the complicated procedures. In response to this challenge, the EU has recently endeavored to address irregular migration by concluding agreements with third countries to prevent irregular migrants from reaching the Union's borders.

Concerning the latter, researchers have shown interest in studying the benefits and drawbacks of these agreements and the possibilities to improve their functioning. For example, Dogachan Dagi conducted a critical review of the EU-Turkey Agreement, analyzing its performance and how Turkey gained strategic leverage in its relations with the EU because of it (Dagi 2020, 197-216). Another study, dedicated to the evidence-based assessment of the agreement between the EU and Türkiye, was performed by Netherlands Utrecht University, which concluded that this agreement has not been successful in turning the tide and should not be seen as a "solution" to a complex multi-layered problem (Liempt et al. 2017, 28). Additionally, this agreement is the focus of another study, which claims that the migratory pressure the EU has long been experiencing is not a challenge that can be solved by asymmetric cooperation with third countries, characterized by an ignorance of divergences in perceptions and expectations which can only lead to the instability of the region (Yilmaz-Elmas 2020, 161-177).

The study by Florian Trauner and Stephanie Deimel concludes that the EU began establishing such collaborations after the mid-2010s, and they examine the impact of EU migration policies on African countries as of 2013. The authors argue that in the absence of official policy responses, civil society organizations have stepped in to provide returned migrants with primary care upon reception (Trauner and Deimel 2013). In 2018, Annelies Zoomers, Femke van Noorloos, and Ilse van Liempt presented another study on this issue, where they suggest that more attention should be given to providing legal pathways for migration instead of trying

to stop migratory movements by investing billions of Euros in border controls (Zoomers, Noorloos, and Liempt 2018, 105-130).

The restriction of the right to free movement, which to some extent and in various forms is present in the EU's agreements with third countries, raises questions about the respect for the human rights of migrants. Röhlk's 2022 scientific essay focuses precisely on this aspect, and therein, it is concluded that migration deals do not respect the rights of migrants (Röhlk 2022).

In addition to the agreements aimed at preventing immigration, particularly irregular migration, the EU has other arrangements that directly impact this topic - e.g., the Economic Partnership Agreements, which have harmful repercussions on jobs in specific sectors in Africa and may therefore stimulate migration from the continent to the EU, as noted by some scholars (Langan and Price 2021, 505-521).

Bojan Janković, Saša Marković, and Aleksandar Ivanov propose a partial solution to the issue of irregular migration along the Western Balkan Route. In their study, they suggest that an adequate criminal strategy needs to be adopted, an effective fight against smugglers has to be waged, and the use of modern technical resources coordinated by a single management body should be implemented (Janković, Marković, and Ivanov 2024, 119-136).

Despite the significant interest and critical importance of agreements between the EU and third countries to address irregular migration, comprehensive studies in this field remain uncommon. Most existing research focuses on specific agreements, which makes the findings of this study particularly noteworthy.

METHODOLOGY

Due to the research's multidisciplinary nature, this paper applies three main tools - document analysis, comparative analysis, and statistical data analysis. In order to examine the effectiveness of EU-third country agreements in the field of migration when it comes to managing the flow of migrants into the EU's territory, which is the main scope of the present study, document analysis is employed as a primary instrument. By analyzing the implementation of the agreements mentioned above with third countries, this study aims to identify critical deficits and gaps in practice by presenting and comparing statistical trends in the EU throughout the years.

However, merely identifying those agreements and pinpointing some of their deficiencies is insufficient to determine their (in)effectiveness. For that purpose, in addition to the document analysis, this study will apply two other methods in parallel: the interpretation of research-relevant data and comparative analysis, with the examination of several indicators from EU Member States, such as the number of illegal border-crossing on entry at the EU external borders, where these are aggregated by routes, nationality of migrants, number of expelled third-country nationals by country and suspected and convicted persons involved in migrant smuggling.

EU MIGRATION DEALS OVERVIEW

Externalization, which for this article is understood as the carrying out of states' functions outside of their borders (Gkliati 2024), is one of the key strategies the EU has employed to manage immigration into Europe in recent years – particularly irregular immigration. Without taking into account individual Member States' initiatives, such as the most recent agreement between Italy and Albania to externalize asylum, the main partners of the EU when it comes to controlling immigration into the EU's territory are African states. These agreements display a two-pronged approach to migration control: on the one hand, these origin or transit countries try to deter migration by keeping the migrants within their territories, and on the other, they agree with facilitated returns for the migrants who have managed to reach Europe.

Following a significant increase in migration towards Europe around 2015, the EU sought to address migratory flows at the source to establish a "buffer zone" (Moorsel and Bonfiglio 2024) regarding migrants. The first initiative took place with the widely known "EU-Türkiye deal", or statement of cooperation, signed in March 2016. The main components of this deal focused on preventing migrants from entering Greece from Türkiye, facilitating speedier returns from Greece, and providing incentives for migrants who waited for authorization to come to the EU. These points can be drawn from the main clauses of this deal: 1) irregular migrants crossing the Turkish border into Greece would be returned to Türkiye; 2) for every Syrian returned to Türkiye, one Syrian would be accepted into the EU; 3) Türkiye would undertake any necessary measures to prevent irregular migration into the EU, be it through land or sea routes; 4) a Voluntary Humanitarian Admission Scheme would be activated once irregular crossings between these countries had substantially been reduced; 5) all irregular migrants detected in Turkish waters would be taken back to Türkiye, as well as the ones not in need of international protection.

In exchange for implementing these measures, Türkiye would also be given specific benefits: 1) a speedier process to achieve visa liberalization for Turkish nationals wanting to come to the EU; 2) Türkiye would also receive €6 billion, in two installments of €3 billion, to address the refugee situation in the country and improve their conditions; 3) continued work on upgrading the Customs Union; 4) and the accession process would be revitalized. Türkiye and the EU would further attempt to improve humanitarian conditions in Syria (European Parliament 2024a).

In 2017, following the signing of a Memorandum of Understanding (MoU) between Italy and Libya, the EU officially endorsed the agreement and prioritized border security, allocating approximately €700 million until 2022 to strengthen cooperation with this African country (European Commission 2022). While the distribution of these funds is said to vary between different objectives, a majority of them are allocated to migration control, particularly concerning preventing departures from Libya and to the interception of migrants at sea and their return to the country (Pacciardi and Berndtsson 2022, 4010f).

In July 2023, another MoU was signed between the EU and Tunisia. While the EU claimed a "holistic approach to migration" (European Commission 2023a), the majority of funds allocated to Tunisia were focused on improving border management, encompassing the identification and return of irregular migrants, search and rescue operations at sea, the return and readmission of Tunisian nationals from the EU, and additional equipment, training and technical support to enhance border security. Between 2014 and 2022, before the MoU was signed, Tunisia had

already received more than €1.7 billion for bilateral cooperation; once again, a significant part was devoted to migration control (European Commission 2023b).

Driven by concerns about the potential increase in the number of migrants attempting to reach the EU due to the war in Sudan, a new agreement was reached with Egypt in March 2024: €200 million, part of a larger billionaire deal (Politico 2024) is to be invested in migration programs, including the combat to migrant smuggling, border management, and returns (Pacciardi and Berndtsson 2024). This new agreement, which closely follows the terms of the understanding between the EU and Tunisia, allocates €7.4 billion from EU funds to Egypt, with €5 billion provided as soft loans to support the Egyptian economy (Moorsel and Bonfiglio 2024).

Although cooperation with Morocco is already longstanding, dating back to 2004 and with over €2.1 billion allocated for various purposes up to 2022, including migration support (European Commission 2023c), it was only in 2023 in this path to reinforcing the role of third countries in stemming the migratory flows into the EU, that an agreement was signed, thus initiating a new program with Morocco. Once again, in the migration department, the focus was maintained on border management, migrant smuggling, and facilitated returns. At the same time, a key aspect for Morocco was the EU's support of their claim on Western Sahara (Pacciardi and Berndtsson 2024).

Finally, in response to the increasing number of migrants arriving on the Spanish coast (Phillips, R. 2024), the EU struck another deal in March 2024 with Mauritania. While based on five pillars (European Commission 2024a), three of them are designed to keep migrants out of the EU's territory: 1) increasing Mauritania's capacity to deal with asylum requests; 2) prevention of irregular migration; 3) strengthening border management. The other two pillars are directed at creating jobs in the region and developing legal pathways to migrate into Europe. In total, for 2022 to 2027, the EU assigned €12.5 million to this effect (Phillips 2024).

DATA ANALYSIS AND DISCUSSION

The lack of security in certain countries and regions around the globe forces millions of people to flee their country of origin. The disproportionate ratio between migratory intention and legal possibilities to access the territory of another country (van Liempt 2016, 2) and the need to move quickly, which is sometimes necessary, drives people to skip the required bureaucratic procedures or restrictions on leaving and resort to illegal means of emigration. During the ten years between 2014 and 2023, events such as human rights violations, wars, and political persecution have led to 7,605,655 first-time asylum applications in the EU, according to Eurostat (2024a). As mentioned earlier, two distinct peaks can be observed during these years: between 2014 and 2016 and again in the years after 2021. Depending on the prevailing migration pressure, EU policy has undergone multiple adjustments. Despite contradictions among Member States—some supporting immigration and others remaining skeptical of its potential benefits—they reached a consensus in the mid-2010s on the necessity of specific arrangements with third countries to limit irregular migration.

The strategic goal of these agreements is to prevent irregular border crossings and the creation of new migration routes. Their effectiveness can be assessed by analyzing data on illegal entries into the EU. Figure 1 below shows the total number of irregular migrants who entered the EU between 2014 and 2023 via main routes.

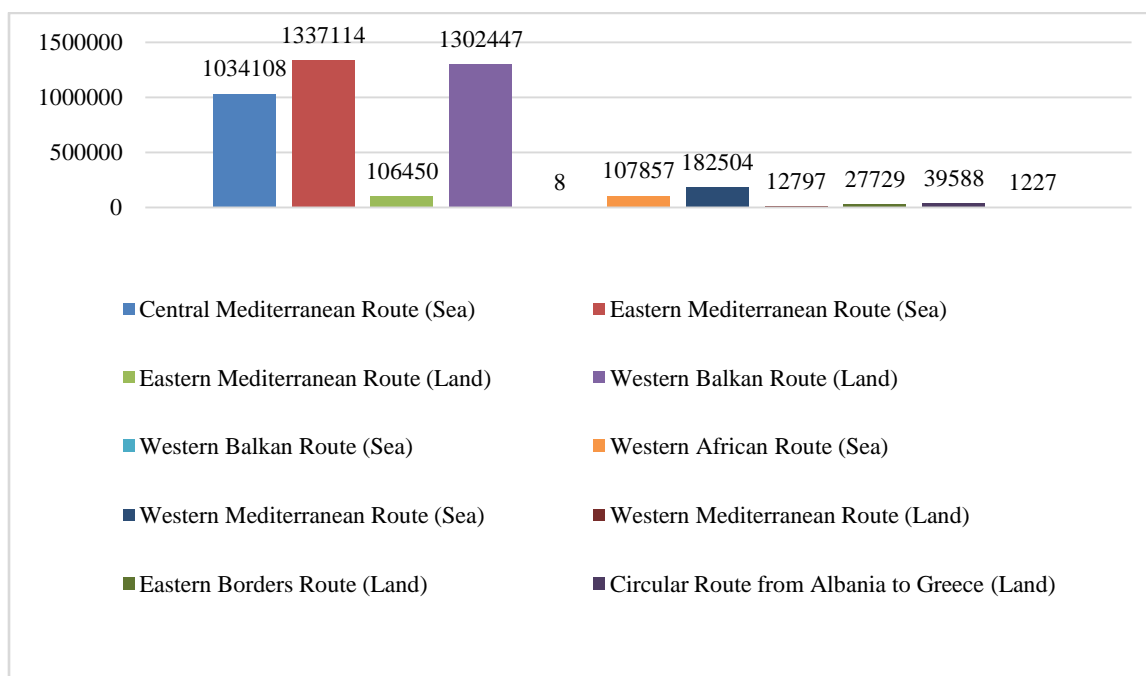


Figure 1: Illegal Border Crossing at the Entry Points of EU Member States and Schengen Associated Countries: Aggregated Data by Routes (2014-2023)
(Source: Frontex 2024 and own calculations)

According to the European Border and Coast Guard Agency (Frontex), eleven migration routes to Europe have been used for irregular entry by more than 4.2 million people between 2014 and 2023.

An analysis of the available data, as shown in Figure 1, reveals that three of these eleven routes are significantly more active than the others. These routes are, in order of relevance, the Eastern Mediterranean Sea Route, with 1,337,114 illegal border-crossings, followed by the Western Balkan Land Route, with 1,302,447, and the Central Mediterranean Sea Route, with 1,034,108 during the same period. According to a study, multiple factors can influence the increase or decrease of migratory pressure along these routes: "border controls, geopolitical developments, emerging or evolving conflicts", among others (Luyten 2023, 2). It is worth mentioning that these three routes cover a significant portion of the EU territories. For instance, the Eastern Mediterranean Sea Route impacts the EU countries on the Mediterranean seacoast, such as Cyprus, Greece, and Bulgaria, due to its land border with Türkiye. On the other hand, the next busiest route, the Western Balkan Land Route, directly affects Bulgaria again, Romania, Hungary, and Croatia. The third route, likely due to the proximity between the lands, compels many migrants to attempt entry into the EU through Malta and Italy.

It is important to note that sea routes pose a higher risk to the lives of migrants, as the means of transportation they typically use are not suitable for the harsh conditions they will face. The EU has operational patrols in the Mediterranean aimed at securing EU borders, targeting migrant smugglers, and rescuing migrants, which, nonetheless, require the allocation of considerable resources, with costs reaching tens of millions of euros per operation in emergencies such as the migration crisis of 2015 (Frontex 2015). Three Frontex operations

support these actions: Operation Themis (formerly Triton), covering the Central Mediterranean; Operation Poseidon, covering the Eastern Mediterranean; and Operation Indalo, covering the Western Mediterranean. While more than 629000 lives have been saved, approximately 25000 people have died or gone missing in the Mediterranean and Atlantic since 2015 in their attempt to reach Europe (European Council 2024). Nevertheless, the objectives set in these operations can be viewed as additional EU measures to increase the effective execution of the EU agreements with third countries since many will fulfill the conditions for migrants to be redirected to where they have just left or for migrants to fall under one of the readmission agreements.

Another way to assess the effectiveness of these agreements is to examine the number of illegal border crossings annually. Such a representation could indicate whether adopting and implementing these strategic documents and other EU actions have positively, negatively, or neutrally affected irregular entry into the EU.

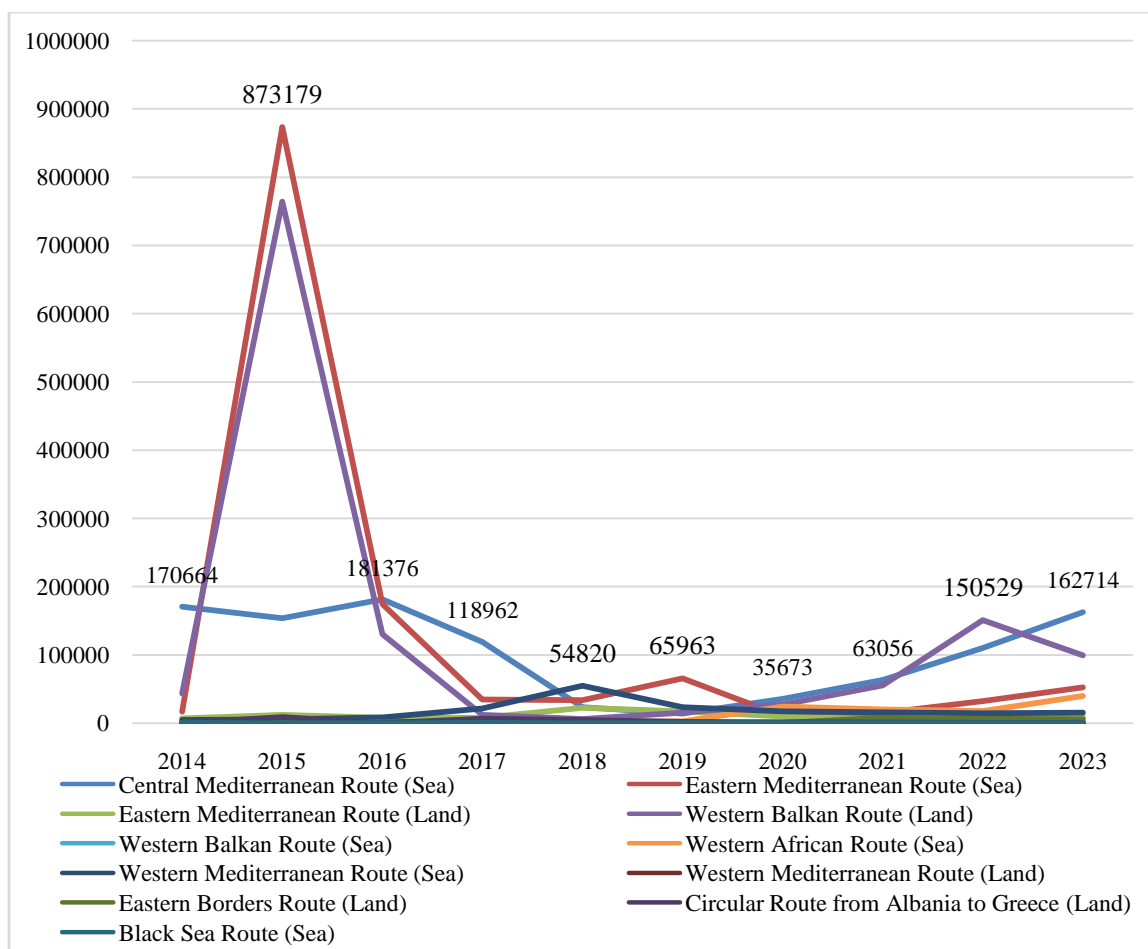


Figure 2: Illegal Border-Crossing: Aggregated Routes from 2014 to 2023, Presented Annually
(Source: Frontex 2024 and own calculations)

As shown in Figure 2, the highest rate of illegal migrant-inflow towards Europe occurred in 2015. At that time, two main routes – the Western Balkan Land Route and the Eastern Mediterranean Sea Route – served as the primary entry points to the EU, with over 1.6 million people entering the Union through them. Compared to the total number of irregular entries for the whole 10-year period, it could be stated that approximately 38% of the newcomers entered the EU in 2015 only.

The significant influx of migrants in 2015 can be attributed to various factors. Chronologically, a disruptive event typically precedes such large-scale migration flows, prompting individuals to flee their countries of origin. These events usually precede the migration flow by several months or even years since the journey, organization, and progress take time. In the case of 2015, the Arab Spring, which sparked anti-government protests, mass uprisings, and armed rebellions across the Arab world in the early 2010s, was the first reason for that irregular mass entry into the EU. As a result, around 360,000 Syrians, 175,000 Afghans, and 119,000 Iraqis applied for asylum in the EU in 2015 alone, according to Eurostat.

However, another recognized reason for the comparatively higher number of illegal entries in 2014-2016 is the overall EU “open door policy”, which has significantly changed since 2018-2019 (Schain 2019, 45-73). This research also indicates that this shift in immigration policy towards a predominant focus on border controls is not unique to Europe but is also observed in countries such as the United States. It could thus be admitted that this phenomenon is not limited to a regional level but is evident across the Western world.

While it is admitted that most migrants come to the EU through legal means, with only 15% of residence permits issued to non-EU citizens in 2022 corresponding to asylum requests (European Commission 2024b), many resort to illegal paths to reach the EU’s territory, as not all individuals fleeing their country of origin can comply with the Union’s immigration policies. In order to compare the number of illegal entries and the number of asylum applications, the data related to the latter is presented in the line chart below.

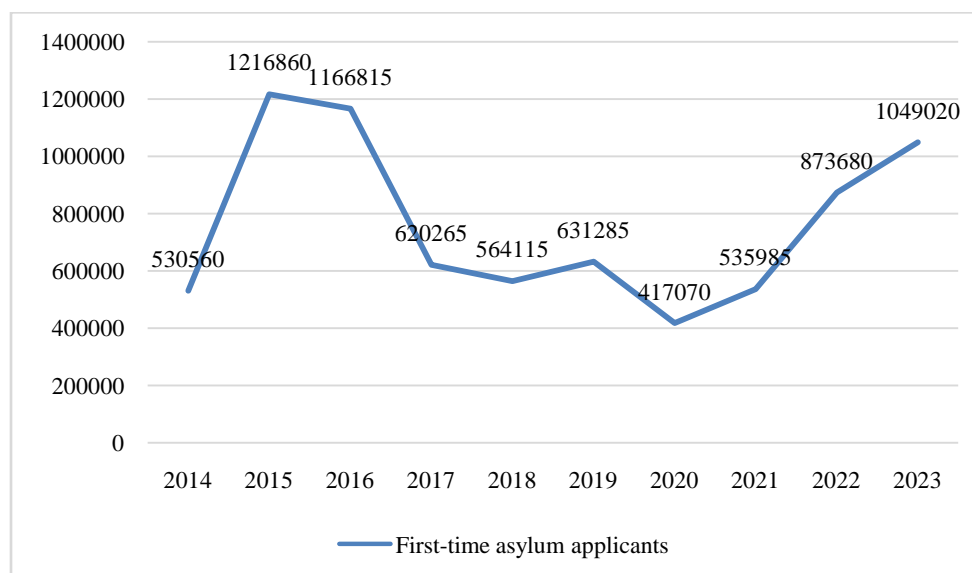


Figure 3: First-Time Asylum Applicants in the EU from 2014 to 2023: Annual Data (Source: Eurostat 2024a)

Against this background, when comparing the data from Figure 2 with Figure 3, the conclusion is that there were nearly 7.7 million first-time asylum applications in the EU during the same period, which indicates that 54,5% of the migrants seeking asylum entered the Union illegally.

The comparison of the two indicators reveals a similar trend. The number of first-time asylum applicants and irregular entries shows two distinct peaks – the first in 2014-2016 and the second after 2021. While there was an increase in the number of irregular immigrants during the second peak, it should be noted that it was significantly lower compared to the mid-2010s, which suggests that the shift in European policy from 2016 onwards has had some impact, reducing the number of migrants reaching the EU's territory irregularly. However, this should not be seen as a sustainable, long-term solution, as in 2023, there are still 36.8% of all asylum seekers who continue to enter the EU irregularly.

In order to determine which events on the international scene have the most significant effects on immigration into Europe, an alternative approach is to analyze the most common nationalities per route. This aggregation, by route, can be observed in Figure 4.

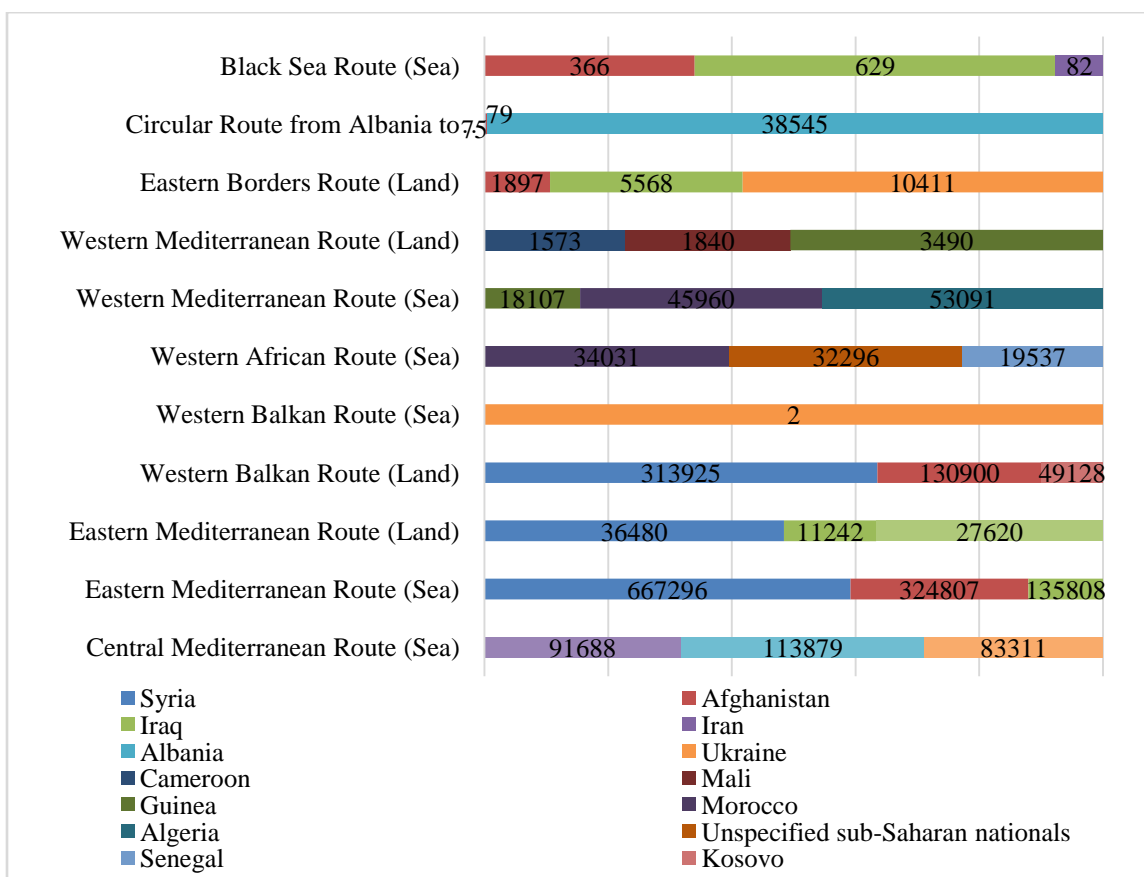


Figure 4: Top Nationalities of Irregular Immigrants per Route from 2014 to 2023
(Source: Frontex 2024 and own calculations)

Starting with the busiest route, Syrians, Afghans, and Iraqis predominantly use the Eastern Mediterranean. The total number of individuals from these three nationalities alone between 2014 and 2023 accounts for nearly 27% of all illegal border crossings during the same period. The most commonly used route, the Western Balkan Land Route, attracts people from Syria, Afghanistan, and Kosovo. Notably, Syrians accounted for 313,925 over the 10 years analyzed, representing 57% compared to the other two main nationalities. A likely reason for this is the lower risk associated with land travel.

However, insecurities within the European continent impact irregular immigration into the EU's territory as well. A specific example is Kosovo, the third most common nationality on the Western Balkan Land Route, with 49,128 irregular border crossings. Moving southwest to the third busiest route, the nationalities detected change significantly. While primarily people from the Near and Middle East use routes along the eastern borders of the Union, the Central Mediterranean Sea Route is mainly used by migrants from Africa. The three most common nationalities are Nigerians (91,688), Eritreans (113,879), and Tunisians (83,311). Other nationalities attempting to enter the EU irregularly include Albanians, Cameroonians, Guineans, Algerians, Senegalese, Iranians, Ukrainians, Maltese, Moroccans, and individuals with unspecified sub-Saharan citizenship.

As previously mentioned, part of the EU's strategy to address the challenges posed by such a large number of irregular migrants entering its territory is the implementation of an active return policy. In this regard, it should be anticipated that Member States would be effective in returning migrants who do not meet the legal requirements for obtaining asylum or any other legal basis for remaining within the Union's territory. Whether Member States are effectively returning migrants can be seen from the data in Figure 5.

The return of migrants is subject to a harmonized legislation adopted in 2008, known as the Return Directive (EUR-Lex 2008). Despite the Directive raising various issues and leading to numerous preliminary requests, Article 6 establishes the conditions under which a return decision can be reached concerning a third-country national staying illegally in the territory of a Member State. The data above shows the number of returns effectively performed: along with Germany, surpassing all other Member States, the other EU countries with large numbers of returned migrants are Sweden, Spain, Poland, Greece, and France.

Nevertheless, despite the large numbers, entering the EU irregularly is challenging, leading migrants to seek assistance from third parties often. It is estimated that 90% of the migrants that enter the EU's territory irregularly have done so through the services provided by migrant smugglers (Europol 2024a). This data could not be verified, as it lacks specific numbers (of irregular migrants in total and irregular migrants who have resorted to such services) to support that claim. However, this assumption is often quoted as hard evidence (e.g., European Parliament 2024b, 2). Nonetheless, migrant smuggling is a recognized and criminalized phenomenon. The following two tables show the number of suspected and imprisoned persons involved in migrant smuggling annually from 2016 to 2022. A comparison of these indicators may, to some extent, help assess the judiciary's effectiveness and the progress made in achieving the goals set in international agreements in the field of migration, particularly when it comes to the fight against migrant smuggling.

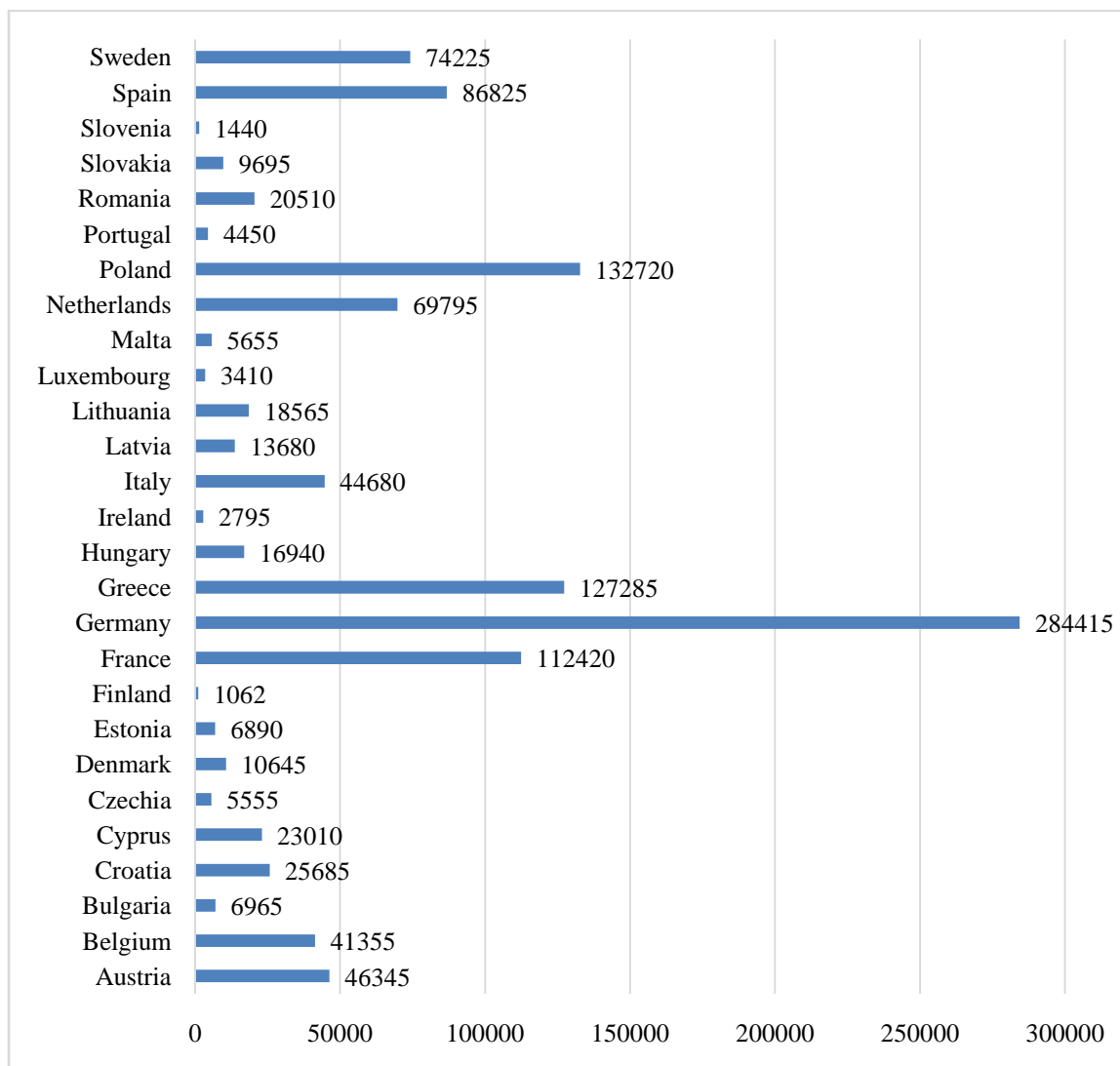


Figure 5: Third-Country Nationals Returned Following an Order to Leave: Summarized Annual Data Between 2014 and 2023 (Source: Eurostat 2024b and own calculations)

Table 1: Suspected Persons Involved in Migrant Smuggling per EU Member State Between 2016 and 2022
(Source: Eurostat 2024c and own calculations)

Country/ Year	2016	2017	2018	2019	2020	2021	2022	Total Number of Suspected Persons
Austria	7	69	35	50	48	19	1034	1262
Belgium	-	353	93	-	138	-	201	785
Bulgaria	364	323	48	87	190	391	1398	2437
Croatia	167	321	620	983	692	885	774	4442
Cyprus	19	14	8	17	19	22	88	187
Czechia	47	48	34	57	60	52	277	528
Denmark	279	124	151	90	36	49	69	798
Estonia	-	-	-	-	-	-	-	-
Finland	452	116	44	92	196	82	80	1062
France	-	4395	4219	4639	3976	6626	6277	30132
Germany	-	-	2342	2441	2761	3283	3468	14295
Greece	950	1399	1653	1533	1112	1092	1478	9217
Hungary	745	-	-	-	362	789	1828	3724
Ireland	-	-	-	-	-	-	-	-
Italy	4711	4127	4131	3676	2925	2560	3941	26071
Latvia	52	26	25	-	7	20	20	150
Lithuania	163	95	77	-	48	328	361	1072
Luxembourg	-	-	-	-	-	-	-	-
Malta	0	-	-	0	2	-	-	2
Netherlands	378	-	63	-	29	-	-	470
Poland	220	194	132	82	87	427	801	1943
Portugal	71	82	98	102	89	144	183	769
Romania	101	283	261	322	660	1090	746	3463
Slovakia	128	-	99	-	79	108	286	700
Slovenia	650	-	414	1021	472	413	431	3401
Spain	663	685	900	370	662	1204	1175	5659
Sweden	226	100	136	-	104	150	124	840

Considering the geographical alignment of the three busiest routes, it is reasonable to pay special attention to the suspected individuals involved in migrant smuggling in countries such as Cyprus, Greece, Bulgaria, Romania, Hungary, Croatia, Malta, and Italy. However, given the large inflow of migrants and the strategic location of these Member States, it is striking that some countries, such as Bulgaria, Cyprus, and Malta, report very low numbers of suspected criminals involved in smuggling. On the other hand, Italy, Greece, Germany, France, Spain, and Romania have reported several thousand suspected individuals between 2016 and 2022. Whether these results are due to ineffective judiciary systems in those Member States or because migrant smuggling is not as widespread as assumed in official documents remains unclear, and it is difficult to draw any definitive conclusions from the data.

Looking at the data annually, it can also be observed that more persistent efforts against smugglers have been made in the years following 2018-2019. Possible reasons for this include, first, the unpreparedness of the EU for the first migration crisis from 2014-2016, during which many of the common policies were not clearly defined and specified (even though migrant smuggling has been criminalized in the EU since 2002 and internationally since 2000 with the Palermo Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the

United Nations Convention against Transnational Organized Crime). Second, and most likely, the shift in European policy from a predominantly “open-door” policy to a more stringent “secure border” policy.

However, as the number of suspects may not correspond to the number of individuals proven to have committed the crime, it is also essential to analyze data related to people arrested for migrant smuggling.

Table 2: Imprisoned Persons Involved in Migrant Smuggling per EU Member State between 2016 and 2022
(Source: Eurostat 2024c and own calculations)

Country/ Year	2016	2017	2018	2019	2020	2021	2022	Total Number of Imprisoned Persons
Austria	1	0	2	-	-	86	183	272
Belgium	-	-	-	-	-	-	-	-
Bulgaria	12	29	54	50	41	89	97	372
Croatia								-
Cyprus								-
Czechia	69	22	48	38	27	31	70	305
Denmark	-	-	-	-	-	-	-	-
Estonia	1	1	-	-	-	-	0	2
Finland	-	-	-	-	-	-	-	-
France	-	730	-	-	-	366	412	1508
Germany	-	-	73	69	58	55	52	307
Greece	1478	1166	2001	1853	1850	1467	1632	11447
Hungary	646	-	-	3445	870	1977	1938	8876
Ireland	-	-	-	-	-	-	-	-
Italy	1469	1328	1194	-	919	979	1138	7027
Latvia	24	99	40	12	6	8	18	207
Lithuania	7	5	9	3	1	4	7	36
Luxembourg	-	1	-	-	-	-	-	1
Malta	0	-	-	0	2	7	4	13
Netherlands	-	-	-	-	-	-	-	-
Poland	16	12	19	21	17	23	31	139
Portugal	11	12	16	16	14	14	2	85
Romania	82	90	82	74	70	66	139	603
Slovakia	44	-	33	-	35	82	50	244
Slovenia	50	-	203	368	443	-	-	1064
Spain	228	246	320	365	367	323	441	2290
Sweden	20	11	6	3	1	3	3	47

As the data in Table 2 shows, there is a considerable disparity between suspected and imprisoned individuals for involvement in migrant smuggling. On the other hand, the trend of a higher number of suspects in the years following 2018-2019 is consistent with the number of individuals convicted and arrested in most EU Member States. Looking at the results, it should be noted that the countries that have the highest conviction (and imprisonment) rates are Greece, Italy, Spain, and Hungary.

In fact, in 14 out of 27 Member States, the number of suspects far exceeds the number of imprisoned individuals. However, it should also be noted that Eurostat does not provide data for seven countries, leading to missing information in one or both indicators. The exceptions to

this statistical trend are Greece, Hungary, Latvia, and Malta, where the respective number of suspects to prisoners in relation to migrant smuggling are 9,217 – 11,447 for Greece, 3,724 – 8,876 for Hungary, 150 – 207 for Latvia, and 2 – 13 for Malta. The difference between the two indicators could be attributed to a variety of factors, including, but not limited to, an inefficient judicial system, inadequate implementation of legislation, challenges in gathering evidence, or even an over-representation of the migrant smuggling phenomenon, which does not always translate into criminally relevant conduct. However, it cannot be denied that, as far as the symbolic function of criminal law is concerned, the overall relatively low number of detections and/or convictions may encourage actual smugglers to continue their illegal activities.

Among the risks posed by the continued activity of (actual) smugglers is the endangerment of migrants' lives. The latter, forced to flee armed conflicts, civil wars, climate change, and other distressing events, must trust and pay smugglers in order to have some chance of survival and pursue an everyday life, given the few legal alternatives to enter and stay in the EU's territory. Another incurred risk is that by continuing this presumably extremely lucrative activity (see especially Europol 2024a, Europol 2024b, and Janković, Marković, and Ivanov 2024, 126; but with evidence against Sanchez 2020, 191), the smugglers accumulate capital which they could subsequently use for other criminal purposes, as some scholars point out (Dimitrov and Pavlov 2023, 24-26), in turn further jeopardizing the security of the Member States and the Union as a whole. Moreover, illegally crossing the border and entering the EU without proper screening eliminates the opportunity to identify potential radical elements among migrants, which also brings into the equation the possibility of further criminal activity. However, it should be pointed out that this is a contentious, highly populist, and politicized topic with no empirical data to substantiate those assertions (e.g., Moreno-Lax 2023, 106).

Considering the various factors at play, the inevitable conclusion is that seeking new and more effective solutions at the European level remains necessary. The data shows that nearly 40% of migrants continue to reach the Union's territories irregularly. While there has been a substantial decrease in the overall number of migrants, the recent peaks in migration prevent any definitive conclusion that agreements with third countries have been solely responsible for this outcome. However, these agreements have likely had some impact on the situation.

CONCLUSION

This study has allowed the authors to draw some conclusions and highlight some topics and assumptions that, while current, lack empirical data to support them. First, it is undisputed that billions of euros (of European funds) have been and continue to be invested in third countries to engage their cooperation in reducing migration to the EU. Many of these countries receiving European support are authoritarian regimes – which immediately raises concerns about whether this European support may exacerbate migration. In addition to the highly reproachable ethical, moral, and legal consequences of lending support to such regimes, it is also logical that through these deals, they acquire capabilities that allow them to oppress their citizens further, which in turn will increase the migratory aspirations of the population (Gkliati 2024). The nationalities of most irregular migrants also suggest that it would be more effective to use European funds to address the root causes for migration in their country of origin through investment in the communities (thus starkly reducing migratory intention) rather than

investing in temporary solutions to arm third countries with the tools needed to stifle the right to movement of the population (Martini and Megerisi 2023, 3).

It is also apparent that there is a relevant number of returns of irregular migrants being performed and a notable decrease in the number of irregular entries into the EU territory since it peaked in 2015. However, it is not conclusive that the signed agreements with third countries are solely responsible for such a change since there is evidence that, despite these deals, migrants keep finding alternative ways to enter the EU (Martini and Megerisi 2023, 1). The return rates of some of these agreements are negligible. Adding to their (in)effectiveness, these agreements often have the undeniable consequence of violating migrants' most basic human rights despite several assurances of shared commitment to their respect. This can clearly be seen in the case of the EU-Türkiye deal (International Rescue Committee 2023), as well as the agreements with Tunisia and Mauritania, which led to an increase in migratory pressure after they were signed (Schwarz 2024; Moorsel and Bonfiglio 2024). The deal with Egypt is expected to yield the same disappointing results unless certain precautions are taken, such as ensuring an effective right to asylum in Egypt, safeguarding human rights in the territory, channeling EU funds towards promoting social inclusion, and monitoring the situation of migrants in the country (Moorsel and Bonfiglio 2024). The issue of migrant smuggling is also a direct result of poor migration management, as well as the lack of legal pathways for requesting international protection from the EU. The sustainable integration of migrants into the European labor market would also substantially improve the overall situation (Martini and Megerisi 2023, 31).

Moreover, whatever short-term gains the EU manages to achieve with these agreements on the one hand – such as temporarily reducing the pressure on asylum and social systems due to fewer migrants (Luyten 2023, 2) – it ultimately loses on the other hand, giving third-countries the power and political leverage to influence the EU's decisions in ways that benefit their interests (e.g., the deliberate opening of Morocco's borders in order to obtain the EU's endorsement on their claims over Western Sahara, among many other examples of instrumentalization of migration (Pacciardi and Berndtsson 2024). This not only weakens the EU's position but also undermines its international credibility, as it seemingly adopts a high moral stance on the protection of fundamental rights that, in practice, does not fulfill when it comes to migrants, cementing certain hypocrisy in this regard (Moreno-Lax 2023, 107/111).

In light of these challenges, in terms of a simple cost-benefit analysis, it seems that the balance is not tipping towards the EU's side of the deals. It would thus be wiser to invest in other long-term solutions to the migration issue that prioritize sustainability and respect for human rights and uphold internationally assumed obligations that bind the EU Member States.

CRediT AUTHOR STATEMENT

Vasil Pavlov: conceptualization, methodology, validation, formal analysis, resources, writing-original draft, writing-review and editing, visualization. **Raquel Cardoso:** methodology, validation, formal analysis, resources, writing-original draft, writing-review and editing, visualization.

All authors have read and agreed to the published version of the article.



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The India-US Security and Defense Cooperation under Narendra Modi: Challenges and Assessments

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Abstract: *This article studied the reality of India-US security-defense cooperation during the period under Narendra Modi's leadership in India. The article employed realism, liberalism, and constructivism to analyze how India and the US strengthened their security and defense partnership. Research results found that, under N. Modi's leadership since 2014, India-US security and defense cooperation changed significantly in quantity and quality. The article concluded that security and defense became important pillars of India-US relations. It was deepened and broadened as well as became more comprehensive. India became the US's "major defense partner". Despite the solid security-defense cooperation with the US, India could not become the US's ally. On the other hand, "strategic autonomy" became a prominent feature of India's foreign policy under N. Modi.*

Keywords: *India; USA; Cooperation; Security; Defense; Narendra Modi*

INTRODUCTION

India and the US want to promote bilateral and multilateral security and defense cooperation. This is because of the convergence of strategic interests in the security and defense of the two countries. The two countries share common goals of containing China's expansion of power and protecting each country's core interests. China's power expansion has profound implications for India's internal and external security and threatens the US's position as the world's number one superpower. At the same time, the rise of China negatively affects the interests of India and the US in the Indo-Pacific region. From India's perspective, this country is committed to upholding the rules-based world order that the US supports. India also holds great potential in the arms market. The US is vital in furthering India's interests concerning Afghanistan and Pakistan. The US Navy also plays a crucial role in ensuring the security of international waters, which are extremely important to India's oil imports. Therefore, the two countries identified India-US security-defense cooperation as an important pillar that plays a vital role in promoting a stable security structure and prosperity in the Indo-Pacific region.

The article examines India-US security-defense cooperation during Narendra Modi's tenure as Prime Minister. N. Modi's leadership significantly changed India's domestic and foreign policies, emphasizing bold, proactive, and ambitious approaches, particularly strengthening ties with the US in security and defense.

LITERATURE REVIEW

The India-US Comprehensive Global Partnership, particularly in the security and defense cooperation domain, has garnered significant attention from international strategic researchers and analysts. The literature on this subject is extensive, encompassing a range of scholarly works, including journal articles, books, research projects, and doctoral theses. These studies offer diverse perspectives on the evolution of India-US relations, focusing on the complex security dynamics between the two nations.

In her 2018 work, *"India-United States Relations (1947-1991)"*, published by the National Political and Truth Publishing House, Le Thi Hang Nga provides a comprehensive analysis of the fluctuations in India-US relations during the Cold War. Nga asserts that for nearly 50 years, the relationship between India and the US was marked by a "precarious" nature, characterized by frequent shifts in alignment. The bilateral relationship did not evolve linearly but responded to the Cold War's changing international and regional situations. Regarding defense and security relations, Nga highlights the limited cooperation between the two countries, primarily due to their divergent strategic interests. The US, wary of straining its relationship with Pakistan, was reluctant to provide significant military support to India despite the latter's strategic importance. At the same time, the US sought to prevent India from falling under the influence of the Soviet Union. Consequently, US-India defense cooperation was restricted to a limited extent, with a brief period of cooperation during the 1962 India-China border conflict. Following this, India's growing reliance on the Soviet Union for military support, especially during the 1971 India-Pakistan war, shifted its defense alliances.

Nguyen Tran Xuan Son further analyzes post-Cold War US-India relations in his article, *"The US-India Partnership: Looking Forward to Strategic Consensus"*, published in the *Communist Journal* in October 2020. Son provides an overview of the evolving US-India relations from 2000 to 2020, noting the expansion of defense and security cooperation under President Donald Trump. This period saw a broadening of collaboration, encompassing areas such as arms sales, counter-terrorism, anti-human trafficking, maritime security, and cyber security. Signing key agreements, such as the Logistic Exchange Memorandum of Agreement (LEMOA) and the Communications Compatibility and Security Agreement (COMCASA), further solidified the strategic defense relationship between the two nations.

Shravan Nunein's analysis, *"India-US Defense and Security Cooperation: An Analysis"*, published in June 2016 on Jagran Joshi India's website, also highlights the growing importance of defense and security cooperation between the two countries, particularly concerning the Indo-Pacific region. Nunein underscores the shared interests of India and the US in ensuring regional stability and security, particularly in the face of rising challenges such as China's growing influence in the region.

Amit Kumar Sharma's work, *"Indo-US Security and Defense Cooperation: An Imperative for India"* (2020), further emphasizes the expanding scope of India-US defense and security collaboration in the post-Cold War era. Sharma argues that the partnership between the two nations has grown in both breadth and depth, becoming increasingly effective in addressing global security challenges. He suggests that India stands to benefit significantly from this cooperation by leveraging its alignment of defense and security interests with the United States to enhance its regional and global standing.

Together, these studies illustrate the evolving nature of India-US defense and security cooperation, from the Cold War period of cautious engagement to a more expansive and strategic partnership in the 21st Century. The literature reflects the broader geopolitical shifts shaping the bilateral relationship. It underscores the growing convergence of defense priorities between India and the US in a rapidly changing global security environment.

METHODOLOGY

This article employs a multi-theoretical framework, integrating realism, liberalism, and constructivism, to analyze the evolving security and defense partnership between India and the United States. The study adopts a systemic approach, which accounts for internal and external factors within the broader context of foreign policy and international relations, offering a nuanced understanding of the dynamics at play.

The political and economic shifts in the Indo-Pacific region are a significant focus of this analysis, as these changes have notably shaped the defense and security relationship between India and the United States on the global stage. Through this framework, the research team aims to examine the interactions of bilateral relationships with other countries and regions, ensuring an objective and comprehensive perspective.

The authors utilize a combination of historical and social science research methods to analyze the developments in the India-US security-defense relationship. These include logic, observation, and synthesis, which help elucidate the relationship's trajectory over time. Additionally, the comparative method is applied to assess the changes in the security-defense partnership, specifically comparing the period from 2014 to 2022 with earlier years. This comparative analysis allows for a deeper understanding of key shifts in the bilateral relationship and their implications.

In line with standard practices in international relations research, policy analysis is employed to identify and clarify the motivations, key adjustments, and areas of cooperation between India and the United States in the realms of security and defense. This method considers shifts in global geopolitics and their influence on the partnership.

Finally, the research involves analyzing documents from diverse sources. To ensure the validity of this analysis, the documents are processed through a structured approach, which includes translation, compilation, and classification of materials in both English and Vietnamese. This process facilitates a thorough examination of the relevant content, enabling the authors to draw informed conclusions about the India-US security-defense relationship.

RESEARCH RESULTS

India-US Strengthen Security and Defense Cooperation

Security-defense cooperation is one of the key issues discussed and exchanged by India and the US during high-level meetings of India-US leaders and officials. In June 2015, during US Defense Secretary Ashton Carter's visit to India, he and his Indian counterpart, Mr. Manohar Parrikar, signed a 10-year extension of the Defense Cooperation Framework Agreement. Thus, the original Defense Framework Agreement was extended for another 10 years until 2025 to expand the scope of cooperation (Tung 2021, 17-22).

The renewal of the US-India Framework Agreement on Defense provides much impetus to the bilateral relationship. This agreement, combined with the Defense Trade and Technology Initiative - DTTI (2012), makes it possible for the two countries to cooperate in the production of joint weapons and focus on joint exercises, defense trade and cooperation in naval security, and fighting against copyright violation (White 2021). Under the DTTI, the US will focus on co-production and defense technology transfer to India, such as building aircraft carriers, maritime patrol aircraft, transport aircraft, missiles, and radar. At the same time, to promote activities within the DTTI framework, the US Department of Defense established India's Quick Reaction Force and signed many crucial defense-security cooperation agreements between the two sides, such as agreements on Regional Intelligence and Services Cooperation, Maritime Security Dialogue Mechanism, Exchange and Cooperation Agreement between the Indian Ministry of Defense and the US Department of Defense.

In 2016, many security and defense activities occurred between India and the US. In May of that year, the US House of Representatives passed legislation on strengthening security-defense relations with India to increase defense trade and encourage military cooperation between the two countries. This Act also allows the US's allies in NATO to sell and transfer defensive weapons manufacturing technology to India. During the visit to the US from 6-8 June 2016, Prime Minister Modi had a bilateral meeting with US President B. Obama. Mr. Modi became the sixth Indian Prime Minister to address the US Congress, declaring that the relationship between India and the US has "surpassed the hesitations of history" (Vinay 2018, 37-38). President Obama also believed the US considers India a "main defense partner" (Tung 2021, 17-21). Accordingly, the US is to share technology with India and its closest allies or partners to give India access to technology that can be used for civilian and defense purposes. The two leaders also issued a "Joint Statement: The United States and India: Enduring Global Partners in the 21st Century", stating that the bilateral relations had never been as good as they were at that point in time (Ministry of External Affairs of India 2017).

As the main defense partners, from 2016 to 2020, India and the US signed three important foundational defense and security cooperation agreements (Ganguly and Mason 2018, 9). They are:

First, the two countries signed the Logistics Exchange Agreement (LEMOA) in August 2016. Some political elements in India opposed this agreement because it may affect the country's strategic autonomy and stance of non-alignment. However, signing this logistics exchange agreement has brought India closer to its security cooperation with the US (Vinay 2018, 38). This agreement also allows the two militaries to access each other's military bases, refueling support, and sharing logistic and communication systems. LEMOA is a vital agreement to strengthen the military relationship between India and the US (Ganguly and Mason 2019, 12).

Second is the Communications Compatibility and Confidentiality Agreement (COMCASA) signed during the 2+2 Dialogue in September 2018 (Ganguly and Mason 2019, 12). The signing of COMCASA has deepened the political and security ties between the two countries, enabling India to use encrypted US communication systems and equipment. Indian and US military commanders, aircraft, and ships can communicate through networks in peacetime and wartime. This document also paved the way for the transfer of security communications equipment from the US to India for interoperability among the defense forces of the two countries (Congressional Research Service 2014, 119-129).

Third is the Basic Exchange and Cooperation Agreement on Sharing Geospatial Information (BECA), signed in 2020, allowing the sharing of high-level military technology, geospatial maps, data topographic, maritime and aeronautical data between India and the US-Russia Geospatial-Intelligence Service. This means that, although the two countries are not formal allies, military cooperation has become a military alliance relationship. Previously, military cooperation between the two countries was mainly in arms sales. However, sharing military intelligence and logistic support has changed the quality of the US-India military relationship.

The Basic Geospatial Exchange and Cooperation Agreement (BECA), together with the Logistics Exchange Agreement (LEMOA) and the Communications Compatibility and Confidentiality Agreement (COMCASA), have formed the “foundation group” for the extensive military information sharing cooperation between the two countries (Kaura 2018, 38). The US has four “foundational agreements” it signed with defense partners. The Pentagon describes these agreements as “a common tool the US uses to advance military cooperation with partner countries” (Vietnam News Agency 2022, 2-9). Before 2014, the two countries had signed only one agreement, namely the General Agreement on Security of Military Information (GSOMIA) in 2002 (Tung 2021, 20). Between 2014 and 2020, the two countries signed three agreements, namely, LEMOA (2016), COMCASA (2018), and BECA (2020), forming a group of “foundational agreements” for the extensive cooperation in sharing military information between the two countries. Allies or partners must sign the above basic defense cooperation agreements for close defense cooperation with the US.

The importance of India and its security cooperation is also demonstrated in the US new National Security Strategy (NSS) dated December 18, 2017. Accordingly, the US identifies Russia and China as “revisionist powers” and emphasizes that India is a “leading global power” and is the US’s primary defense and strategic partner in Central Asia, South Asia, and the Indian Ocean. In the Indo-Pacific Free and Open Strategy, the US considers India a “quadrilateral cooperation” partner. The US Defense Secretary James Mattis also emphasized that “the US attaches great importance to India’s role in the security of the region and the world; we see the US-India relations as a natural partnership between the world’s two largest democracies, based on similarities in strategic interests, shared values, and respect for rules-based international order” (US Department of Defense 2018).

At the Shangri La annual Dialogue meeting, Defense Secretary James Mattis once again affirmed that India is the “fulcrum” of security in the Indo-Pacific region. The US supports India’s Act East policy, encouraging the Indian navy to play a prominent role in the Indian Ocean and reach the Horn of Africa and the Strait of Malacca (The White House, National Security Strategy 2017). In addition, in August 2018, the US Congress passed the National Defense Authorization Act (NDAA 2019), which emphasized the need for the US to strengthen its defense partnership with India, considering India a vital defense partner to facilitate military cooperation, information sharing, appropriate technology transfer, seek strategic initiatives for India to develop maritime security and defense capabilities; strengthen cooperation and coordination in humanitarian relief disaster relief, and conduct exercises with India in the Indo-Pacific region.

In order to further promote security and defense relations, the US and India have organized many dialogue mechanisms, of which the 2+2 Ministerial Conference was held 4 times. Various important issues were discussed during these meetings. At the inaugural 2+2 Ministerial Dialogue held in October 2018, the US and India reaffirmed that “India is a major defense partner”. The US is enhancing its defense relationship with India to the level of its “closest allies” through the transfer of advanced technology and an increase in the value of defense trade.

At the second 2+2 Ministerial Dialogue in Washington in December 2019, the two sides discussed various measures to promote cooperation in the defense industry and military technology. India and the US set priority projects to remove obstacles and work together more effectively in defense research and development. India and the US have signed many cooperation agreements on critical information technology transfer among defense manufacturers and joint research and development in key technologies, especially emphasizing the global strategic partnership between the two countries (White 2021).

Notably, India and the US have signed the Industrial Security Annex (ISA) and pledged to organize the Summit on ISA shortly to promote bilateral security-defense cooperation further. In October 2020, India and the US held the third 2+2 Ministerial Dialogue, and the two sides agreed to strengthen and expand India-US cooperation in strategic and military fields. The two countries jointly affirmed the significance of the US-India Comprehensive Global Strategic Partnership for the security and prosperity of the two countries and the world, committed to building a free, open, peaceful, and prosperous Indo-Pacific region based on international law, which upholds the central role of ASEAN, emphasized the COC, supported the expansion of the scope and areas of cooperation of Quad; agreed to strengthen cooperation in the development of vaccines against the Covid-19 pandemic.

At the third 2+2 Dialogue, the two sides signed five cooperation agreements, including 1) a basic exchange and cooperation agreement between the Indian Ministry of Defense and the National Geospatial-Intelligence Service/Ministry of National Defense of the US; 2) an MoU on technical cooperation in earth observation and earth science between the Indian Ministry of Earth Sciences and the US National Oceanic and Atmospheric Administration; 3) Agreement on exchange of customs data between the Indian Postal Service and the US Postal Service; 4) Letter of Intent on cooperation in the field of traditional medicine and cancer research; 5) renewal of the MoU between the two governments on cooperation with the Centre for Global Nuclear Energy Partnership of India (Vietnam News Agency 2022).

The fourth US-India 2+2 Dialogue was held in Washington, D.C., on April 11, 2022. At this Dialogue, the two countries signed an agreement to elevate the 2+2 Dialogue and give it the title "Space Situational Awareness". This is an agreement within the framework of significant defense initiatives to pave the way for further enhancing cooperation between the two countries (Vietnam News Agency 2022). During this Dialogue, the two sides exchanged views on various security issues in the Indian Ocean, East Asia, Southeast Asia, and Europe. The two sides pledged to maintain close consultation on the Ukraine crisis and humanitarian assistance efforts for people in Ukraine. In addition, the two sides agreed to work more closely to promote a shared vision of a free and open Indo-Pacific region (Vietnam News Agency 2022).

An essential highlight of bilateral relations under Prime Minister Modi's leadership is the visit of former President Donald Trump to India in February 2020. During this visit, the two sides agreed on many essential issues in defense and security cooperation, such as 1) commitment to strengthen cooperation in defense and security, especially cooperation in the field of the defense industry, development and production of modern defense equipment; 2) promptly conclusion of the ongoing trade negotiations and move to the phase of comprehensive trade agreement between India and the US; 3) strengthening national security through cooperation activities against international crimes such as human trafficking, terrorism, violent extremism, drug trafficking and cybercrime; 4) commitment to continue efforts to prevent, early detect and quickly respond to an outbreak of

epidemics (Atlantic Council 2020). During Prime Minister Modi's state visit to the US in June 2023, India and the US made security and defense a highlight of bilateral relations. The Joint Statement the two leaders signed has one part on Powering a Next Generation Defense Partnership between India and the US. It emphasizes that the US-India Major Defense Partnership has emerged as a pillar of global peace and security (The White House 2023).

The two countries have made substantial progress in building an advanced and comprehensive defense partnership through joint exercises, strengthening of defense industrial cooperation, the annual 2+2 Ministerial Dialogue, and other consultative mechanisms. The two countries have maintained solid military-to-military ties and mutual logistics support and tried to streamline the implementation of foundational agreements. Maritime security cooperation has been strengthened. Dialogues in new defense domains, including space and AI, have been launched. Defense industrial cooperation is accelerated by adopting a Defense Industrial Cooperation Roadmap.

India-US Security and Defense Cooperation in Practice

Maritime Security and Defense Cooperation

India and the US have common interests while developing maritime security cooperation; therefore, in the past decade, the two countries have implemented maritime security cooperation quite effectively. Former US Secretary of State Rex Tillerson called the Indo-Pacific a "strategic arena". In particular, the US and Indian navies have coordinated well in the maritime domain, anti-submarine warfare, amphibious warfare, and search and rescue" (Ganguly and Mason 2019, 50). Navy cooperation between the two countries is one of the two sides' most prominent and successful aspects of military cooperation. India has always endeavored to increase operations with the US Navy to combat piracy. The US and India have strongly criticized China's aggression in the South China Sea, strengthening cooperation with ASEAN countries to counter China's growing hegemony in the Indo-Pacific" (Balwinder 2018, 253). Since 2017, India has allowed the US's warplanes and warships to use military bases and ports, sharing intelligence with the US about the activities of Chinese ships and submarines in the Indian Ocean (Vietnam News Agency 2017).

In the Indian Ocean, India has allowed the US to use the Andaman and Nicobar Islands and its Taypu base for drone and fighter operations under the Transitional Agreement signed between the two countries. When the India-China border tension took place in the summer of 2020, and 20 Indian and 5 Chinese soldiers were killed, the US voiced its support for India. In addition, the US has provided technical means to help India monitor its borders, provide intelligence to India, and support India with some advanced surveillance equipment like drones.

Regarding bilateral and multilateral naval exercises, the two countries have participated in joint military exercises with the coordination of all military forces (Anderson and Nelson 2016, 2). The US is the country that organizes the most joint military exercises with India (Vietnam News Agency 2014). Naval exercises are held regularly to demonstrate the close military partnership between the two countries. The two countries' military forces have established a fixed military exercise mechanism. The scope and frequency of the US-India military exercises is

increasing, and India is also accelerating its participation in the US-led Indo-Pacific military alliance system (Vietnam News Agency 2019).

Specifically, in early May 2019, India held exercises with the US, Japan, and the Philippines in the East Sea. At the end of May 2019, the Indian and US Navies held exercises focusing on anti-submarine warfare in the Andaman water. In the last six months of 2019, the US and India also held the annual Malabar joint exercise. In March 2021, the Indian and US Navies held the PASSEX naval exercise. In November 2019, India and the US also held the Tiger Triumph Exercise - the first joint exercise involving all three forces of the army, i.e., Land Force, Air Force and Navy. In the past, India had only held joint exercises of a similar scale with Russia (Vietnam News Agency 2020).

Regarding the bilateral maritime security dialogue, between 2016 and 2021, the two countries conducted annual Maritime Security Dialogues to further strengthen bilateral US-India maritime security cooperation. The dialogues are also part of the US-India Joint Strategic Vision for the Asia-Pacific and Indian Ocean region. The US is pushing for a more significant role for India in the Indo-Pacific region to contain China's growing influence.

Overall, ensuring maritime security is the primary goal of India-US maritime cooperation. The two sides have common interests in the Indo-Pacific region, i.e., energy security, maintaining order and freedom at sea, peacefully resolving territorial disputes, and dealing with non-traditional maritime security challenges. The Indian and US Navies have conducted many joint exercises at sea within bilateral and multilateral frameworks to improve the combat capabilities of the two navies. Maritime security cooperation between the two countries achieved the above results thanks to the high consensus among US and India's policymakers and military officials. It can be seen that the India-US maritime security cooperation is increasing rapidly, promising new achievements in the future.

Anti-Terrorism Cooperation

This is an area of long-term cooperation between India and the US, even though the two were "strange democracies" (Kronstadt and Pinto 2012) after the terrorist attacks of September 11, 2001, in the US and the terrorist attacks of November 26 in Mumbai (India), the two countries desired to cooperate to fight terrorism on a world scale. Thus, the two countries signed the counter-terrorism initiative in 2010, during the then President B. Obama's visit to India in 2010 he declared India to be an "equal partner" in the fight against global terrorism (Balwinder 2018, 252). Since then, India and the US have often held anti-terrorism dialogues and counter-terrorism exercises. The intelligence agencies of India and the US have cooperated and discussed terrorist threats in the South Asian region. At the end of 2014, during the meeting between President B. Obama and Prime Minister N. Modi, the two sides, determined that the common threat to the two countries and the world community is international terrorism. Thus, the two countries must take new devices and creative methods to combat terrorism (The US-India Business Council 2015).

In 2017, during a meeting between President D. Trump and Prime Minister N. Modi, the two leaders discussed fighting against terrorism. The joint statement signed by both sides mentioned counter-terrorism in Pakistan's terrorist attacks in Mumbai and Pathankot. The statement was a tacit accusation that it was Pakistan who was behind the terrorists who caused riots and opposition to the government in the Muslim-majority Kashmir valley (Mao 2017, 5).

The US also approved the N. Modi administration's plan to create an international terrorist organization. The two sides pledged to share information, strengthen intelligence cooperation, prevent Pakistan-based terrorist activities against India, and prevent the expansion of the Islamic State in South Asia.

Since launching the war on terror in Afghanistan, the US has provided economic and military aid worth billions of dollars to Pakistan. However, D. Trump believed that Pakistan failed to wipe out the extremist group within the country. On the contrary, Pakistan maintained "close relations" with Pakistani extremist organizations. In 2020, at the meeting of the US-India Counter-Terrorism Working Group, the two sides demanded that Pakistan bring the perpetrators of the Mumbai and Pathankot attacks to justice. The US appreciated the support of the people and government of India in the fight against terrorism and other steps to prevent the mobility of international terrorists (Joint Statement on US-India Counter Terrorism Joint Working Group and Designations Dialogue, the US Embassy in India 2020). In addition, during the period 2014-2022, the US and India regularly conducted the annual Yudh Abhyas counter-terrorism drills, which focused on counter-insurgency and counter-terrorism operations in mountainous areas; conduct counter-terrorism drills (CT-TTX), to assess response to emerging terrorist threats.

During the period under Narendra Modi's administration, India-US counter-terrorism cooperation has produced various results. The US increasingly attaches importance to India's cooperation, and the Indian side also showed willingness to support the US in fighting terrorism. However, the two countries continue to have disagreements over how things went. The Indian side once condemned the US for selling aircraft to India and Pakistan at the same time. The US's refusal to recognize the anti-terrorist activities carried out by India has also upset India. In addition, the US recognized Pakistan as a critical ally outside of NATO right after it had discussions with India, which were considered a breach of trust (Vietnam News Agency 2016).

Defense Trade

Under Narendra Modi, defense trade or arms sales are considered an essential part of security-defense cooperation, contributing to the consolidation of the Comprehensive Global Strategic Partnership between India and the US. This is a landmark change as India relied too heavily on defense procurement from Russia. Recently, India has started buying more high-tech defense products from US suppliers.

India's arms sales from the US experienced a steady growth in value during the period under the leadership of Prime Minister Modi. India-US defense trade increased significantly between 2014-2021, reaching about 15 billion USD (Levesques 2020) (an average increase of 2 billion USD annually). During 2016-2020, the US was India's fourth largest arms supplier (accounting for 7% of India's arms imports) (Wezeman, Kuimova, and Wezeman 2021, 6-15) after Russia, Israel, and France. The reasons for this growth include the US recognition of India as a "key defense partner" in 2016 and the signing of three defense cooperation agreements from 2016 to 2019, namely, LEMOA (August 2016), COMCASA (September 2018), and BECA (October 2020). This facilitated the institutional framework for India to approve the purchase of additional US military equipment (Kaura 2021, 38).

India's main defense items from the US include airfighter, transport, and anti-submarine aircraft. In 2015, the US sold India 22 AH-64E Apache helicopters and 15 Boeing CH-47F Chinook heavy transport helicopters worth 3 billion USD. In 2016, the US sold India 4 Boeing P-8I Neptune anti-submarine warfare fighters worth 1 billion USD. In 2017, India purchased 145 M777A2 Howitzers canons worth 542,1 million USD from BAE Land Systems and Armaments. In 2018, India bought Boeing's C-17A Globemaster III heavy transport aircraft worth 262 million USD from the US. During the visit of US President D. Trump to India in February 2020, the US sold India 24 MH-60R Seahawk submarine helicopters worth nearly 3 billion USD from Sikorsky. At the end of 2020, the US sold India 6 AH-64E Apache helicopters worth 930 million USD from Boeing (Schmitt 2020).

The growing defense trade is a sign of India-US security and defense cooperation. Before 2014, arms trade between India and the US increased slowly from 5,6 million USD at the beginning of 2003 to 64 million USD in 2005. It reached 8,5 billion USD in 2013 (an increase of nearly 8,5 billion USD in 10 years, an average increase of more than 800 million USD per year) (Tung 2021, 21). During 2014-2021, arms trade between India and the US increased rapidly by about 15 billion USD in seven years (Levesques 2020).

Increasing military trade has significantly strengthened the India-US comprehensive global strategic partnership. However, differences and tensions persist between the two nations due to India's enduring partnership with Russia. India has no intention of ending its arms trade relationship with Russia, as evidenced by the agreement to purchase Russia's S-400 Triumf long-range air defense system, valued at over \$5.4 billion, despite objections from the United States. This incident shows that India and the US continue to have different interests, and alternative solutions are needed to make this relationship work (Burns 2014).

Weapon Production

Both India and the US attach importance to bilateral cooperation in weapon production. The progress made in arms research cooperation between India and the US is remarkable. The US has made policy adjustments and given certain concessions, such as changing the US's export control regulations and licensing procedures to open up more opportunities for joint research and production and developing weapon production projects with India.

In 2015, during President Barack Obama's visit to India, the United States announced four defense production cooperation projects with India. These included the development of next-generation Raven unmanned aerial vehicles and equipment designed to counter chemical and biological weapons (Seema 2015). Since then, the India-US defense-security relations have made rapid progress. India's need for cooperation with the US became more pronounced, even though India has been trying to be self-reliant in the defense industry to "localize weapons". This goal of localizing weapons is still out of reach for developing countries like India due to capital and technology constraints (Anderson and Nelson 2016, 1).

In September 2017, during the visit of Defense Secretary Mattis to India, India and the US discussed the possibility of India acquiring technology to produce F-16 F-18 jet fighters (Ganguly and Mason 2019, 13). On October 9, 2018, in a significant effort to support the "Make in India" initiative, Lockheed Martin, the US defense and aerospace corporation, announced that the wings of the F-16 jet fighters will be produced in India in 2021. However, due to the impact of the Covid-19 pandemic, this project has not been realized. Maryland-based Lockheed Martin

has signed an agreement with Tata Advanced Systems Limited (TASL) to manufacture wing parts. Accordingly, Lockheed has offered to move the entire F-16 production facility to India. The production of the F-16 wings in India strengthens the strategic partnership between Lockheed Martin and Tata Advanced Systems and, at the same time, supports the government of India's Make in India initiative (Mẫu 2014). In February 2018, the US offered India the opportunity to co-produce armored vehicles with Israel and the US. This trilateral joint venture is promising (Ganguly and Mason 2019, 39).

In 2019, Indian Defense Minister Singh and the US Secretary of Defense Mark Esper signed an Industrial Security Annex Agreement (ISA) to facilitate the transfer of defense technology between the two countries. India's Tata Corporation and Lockheed Martin, the US Boeing Company, have established a joint venture to manufacture components for planes and helicopters. The US was the first country with which India discussed an agreement to establish a joint venture to manufacture equipment for aircraft and helicopters to replace India's outdated fleet of MiG-21 supplied by Russia (India: Pact in Works for US Defense Technology Transfers 2020). However, the US still has concerns due to the lessons learned from previous joint development projects and weapons production with NATO allies. For example, the joint project of the US and Japan to produce Japan's FSX jet fighters using the US F-16 jet fighter technology is considered a "foolish giveaway" of the US technology. The project gives Japan a competitive advantage in the global commercial aerospace sector. From a strategic perspective, this project helps to bind the US-Japan alliance. However, from an economic perspective, it reduces the US's competitiveness and profits. These programs face criticism from various elements of the US administration and the American public, as they are perceived to threaten the US's military and economic preeminence (Ganguly and Mason 2019, 40).

Thus, before 2014, cooperation in arms production was a sensitive area in India-US relations, yet the two countries had overcome barriers to reach initial successes. However, the two countries need to work more to deepen defense and security relations.

Military Training Activities

During 2014-2022, India continued to participate in the International Military Education and Training (IMET) program organized by the US. This program aims to increase the ability of participating countries' militaries to support joint operations with the US and regional coalition forces that contribute to political stability and increase participation in peacekeeping exercises. Specifically, the courses of this program contribute to advancing the US's goals of stability and democracy while enhancing the Indian officer corps' understanding of the US's military values and practices. Indian military officers also took courses in military law, medical training, logistics, and maintenance, and enhanced awareness and understanding of the US's policies (Leah 2014, 2). In addition, IMET provides professional military education and training to military students, enhances military professionalization and interoperability with the US's forces, provides instruction on the law of arms and human rights conflicts, provides technical and operational training, and forges a deeper understanding of the US (The US State Department 2021). The counter-terrorism fellowship programs also provide training and education in integrating inter-agency approaches to counter-terrorism. The programs, which bring together partners from different countries and organizations in the field of counter-terrorism, have enabled Indian officials to develop a more

comprehensive system approach in dealing with terrorism and transnational security threats (Odisha Expo 2020). Other programs include the Professional Military Education Program - PME 1004, which allows the US to provide language training to the Indian police force (Leah 2014, 3).

Nuclear Energy Cooperation

After the 1998 nuclear weapon test, the US implemented a nuclear embargo against India for more than three years. It was in 2001 that the US removed this embargo. In 2008, India and the US signed an agreement on the Civil Nuclear Act, which the US Congress passed on October 8, 2008. It is the US-India Nuclear Cooperation Approval and Non-Proliferation Enhancement Act (Ganguly and Mason 2019, 7).

Under Prime Minister Narendra Modi, India has adopted a more pragmatic approach to its relations with the US by stepping up nuclear energy cooperation. In September 2014, at the first bilateral Summit between the Indian Prime Minister N. Modi and US President B. Obama and the two countries signed an agreement on the peaceful use of nuclear energy in Washington. This is part of India's strategy to strengthen its ties with the United States for energy-related purposes (Ganguly and Mason 2019, 14). In January 2015, the two countries restarted a civil nuclear cooperation program, allowing US corporations to build nuclear power plants for India. To that end, President Obama agreed to hand over supervision of India's future power plants to experts from the International Atomic Energy Agency (IAEA). This is something that Washington has refused to accept, which has hindered the bilateral cooperation process (Vietnam News Agency 2017).

In July 2016, India's Nuclear Power Corporation and the US's Westinghouse Company collaborated on the technical design to construct six reactors of the AP1000 technology nuclear power plant supplied by Westinghouse in Kovvada, Andhra Pradesh, India. This is one of the most significant projects of its kind, fulfilling the commitment of the US-India Civil Nuclear Agreement.

ASSESSMENT

Positive Results of India-US Security and Defense Cooperation under N. Modi

Firstly, the legal basis has constantly been strengthened, creating a foundation for promoting India-US defense and security cooperation. The two countries renewed and extended another 10 years for "The US-India Defense Cooperation Framework Agreement", signed in 2005. The two countries signed important documents, such as LEMOA in August 2016, COMCASA in 2018, and BECA in 2020. The signing of the three agreements, i.e., COMCASA, BECA, and LEMOA, facilitated India's access to modern US military technologies, helping it to enhance the capacity to deal with Pakistan and China along the line of actual control and, at the same time helping India to expand its expeditionary warfare capabilities, to expand its sphere of influence and compete with China; to modernize India's military forces and enhance the capabilities of its defense industry through the US's technology. The US also granted India Strategic Trade Right (STA-1) status in 2018 to create opportunities for India to have equal access to the US's high-tech products compared to other NATO countries such as Australia, Japan, and South Korea.

Secondly, India-US defense and security cooperation under Narendra Modi has been expanded in scope. Based on the growing similarity of interests in the Indo-Pacific region, maritime security cooperation between India and the US has been vigorously promoted, which has benefited both sides. Cooperation on counter-terrorism has also been an essential dimension of bilateral cooperation during this period. The two countries showed a convergence of views on the issue of counter-terrorism in Pakistan. Arms sales or defense trade has also been very successful, reflected in the increasing trade turnover between India and the US. Bilateral cooperation in the production of arms has also seen significant progress. The two countries have also actively coordinated military training and education activities, helping the two sides learn from each other's experiences.

Thirdly, the multilateral defense and security cooperation mechanism between India and the US received new attention, and it has mainly taken place within the framework of Quad. After 2014, the US's perception of India's role in Quad in the Indo-Pacific region has changed remarkably. Launched in 2007 and disbanded for some time, Quad was revived in 2017. In recent years, Quad has been expanded to become Quad Plus. India and the US have a convergence of strategic interests in the Indo-Pacific region. Both countries have similar views on issues of strategic security for the region. Both sides share similar concerns over China's expansionist activities in the Indo-Pacific region. The US supports India in joining the Nuclear Suppliers Group (NSG) soon.

Fourthly, India-US security and defense cooperation under Narendra Modi has seen remarkable development compared to the period before 2014. The two sides gradually overcame disagreement and dissension to build the Comprehensive Global Partners of mutual understanding and shared goals. Before 2014, military cooperation between India and the United States was primarily focused on arms sales. However, since 2014, India-US security and defense cooperation has expanded significantly, encompassing areas such as maritime security, counter-terrorism, arms sales and production, and, notably, the sharing of military intelligence and logistical support. As a result, it can be said that the India-US security and defense cooperation from 2014 onwards has undergone both qualitative and quantitative changes. Despite being a sensitive area of cooperation, security and defense relations between the two countries have increasingly strengthened, yielding numerous positive outcomes. This collaboration also holds great potential for future cooperation between India and the United States.

Shortcomings of India-US Security and Defense Cooperation under N. Modi

Firstly, specific barriers in the security-defense relation between India and the US remain inconsistent with a Comprehensive Global Strategic Partnership. India is uneasy with the US's emphasis on the importance of its NATO allies. For non-allied partners like India, it is supposed to be valid only in sharing the burden and expanding a definite "circle of cooperation". Moreover, India's defense trade partnership with Russia also caused rifts in India's relations with the US. The way the US handled the war on terror and the US's recognition of Pakistan as a critical ally outside of NATO shortly after the US had discussions with India were considered a breach of trust. In addition, in the joint development and production of weapons with its former NATO allies, the US has faced criticism from some members of the US Administration and the

US public on account that it may cause a threat to the US's military and economic preeminence. Thus, the US has some concerns about arms production cooperation with India.

Secondly, India and the US have different strategic expectations about their partners. While the US wants India to be able to directly play a role in containing China, India does not want to become a "pawn" for the US, and it insists on maintaining strategic autonomy in foreign policy. On the other hand, India also wants to show its independence and role as a great power. This difference causes suspicion among the US's policymakers about India and thus prevents the full implementation of the US's policy toward India. This difference had been there earlier and showed no sign of disappearance under the leadership of individuals such as Presidents D. Trump, J. Biden, and Prime Minister N. Modi (Mao 2017, 4).

Thirdly, India and the US differ in opinion on regional security issues, especially on the Russia-Ukraine crisis and issues concerning Iran, Afghanistan, and Pakistan. India is neutral between the US and Russia, while the US wants India to express its clear position of supporting the US in the Russia-Ukraine war. However, the US is too harsh in relations with Iran, insisting India give up its good energy trade relationship with Iran. At the same time, the US is not very happy with India's relatively good economic relationship with Afghanistan. The situation is similar when India wants the US to be on its side in the issues of conflict between India and Pakistan. The United States is hesitant to fully support India on issues concerning Pakistan, as it cannot entirely detach its strategic interests from Pakistan, particularly given Pakistan's increasing alignment with China.

Fourthly, the relationship between the US, India, Japan, and Australia in Quad also leads to the risk of destabilizing the region. The fact that India became the leading defense partner of the US in 2016 and the US-India upgraded the relationship to a Comprehensive Global Strategic Partnership has become one of the factors causing the outbreak of the border disputes between India and China in 2017 and 2020 and between India and Pakistan in 2019. China is increasingly wary of the India-US relations and seeks to prevent India from becoming a full United Nations Security Council member. In this complicated relationship, Pakistan-India's neighbor, a close ally of the US, has also moved closer to China to counter India, raising India's concerns about war on both fronts, i.e., against China and Pakistan.

CONCLUSION

Security and defense cooperation between India and the US became an essential aspect of bilateral relations during the time of Prime Minister Manmohan Singh (under the G. Bush's Administration). However, during Prime Minister N. Modi's leadership, bilateral defense and security cooperation changed significantly in quality and quantity. India became a "major defense partner" of the US, and the bilateral relationship had the character of an "alliance". Many important documents and agreements were signed, which became the basis for the implementation of cooperation between the two countries in the areas that were previously considered sensitive. In practice, India-US defense and security cooperation was strengthened in depth and width in maritime security, anti-terrorism cooperation, defense trade, weapon production, military training activities, and nuclear energy cooperation. The research results showed that under the Modi government, the legal basis of India-US defense and security cooperation was strengthened by signing various cooperation agreements. In addition, India-US

defense and security cooperation was further strengthened in a multilateral framework such as the Quad. India and the US had a convergence of strategic interests in the Indo-Pacific. Thus, security and defense cooperation became a promising area of cooperation for future India-US relations. However, India-US security and defense cooperation had certain shortcomings.

India felt uneasy with the United States' emphasis on the importance of its NATO allies. Furthermore, the US expectation that India would take a direct role in containing China was not fulfilled, reflecting India's commitment to maintaining strategic autonomy in its foreign policy. This insistence on autonomy caused suspicion among US policymakers, while India's close relations with Russia further strained bilateral ties. The Russia-Ukraine war posed a new challenge, putting India-US defense and security relations to the test. This crisis underscored that, despite valuing its relationship with the US, India could not abandon its stance on strategic autonomy or turn away from traditional partners like Russia. India's position on the Russia-Ukraine conflict reaffirmed that "strategic autonomy" remains the cornerstone of its foreign policy.

CRediT AUTHOR STATEMENT

Quach Thi Hue: conceptualization, methodology, formal analysis, writing-original draft. **Le Thi Hang Nga:** writing-review and editing, supervision, funding acquisition. **Nguyen Thi Oanh:** investigation, resources, data curation.

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Signaling in Minilaterals in the Indo-Pacific: The Cases of Quad and AUKUS (2017-2022)

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Abstract: *This article examines the coalition-building efforts of the Quad and AUKUS through the lens of strategic signaling, arguing that minilateral coalitions employ signaling tactics through various means to achieve a common goal. The case studies of Quad and AUKUS demonstrated differences in their strategic signaling. However, their goals are carefully formulated. This article uses discourse analysis to find that the Quad signaled an ambitious “Free and Open Indo-Pacific” as a positive force for the region’s security and prosperity. AUKUS, on the other hand, signaled military cooperation as a balance of power amidst an assertive China. While minilateralism is growing in the 21st-century multipolar world, this article examines how these emerging trends of issue-based coalitions, flexible alignments, and informal alliances create avenues for like-minded countries to strengthen capacity-building measures.*

Keywords: *Minilateralism; Indo-Pacific; Security; Signalling; Multipolarism; Multilateralism, World Order*

INTRODUCTION

The Indo-Pacific region has undergone significant transformations and development in recent years. Since the end of World War II, the region has been widely referred to as the Asia-Pacific region based on a US-led system often referred to as the hubs-and-spokes system (Izumikawa 2020). However, there has been a significant change in this system since the 2010s. The rise of China has changed the regional balance of power and influence in political, economic, and military terms. Since 2014, the Chinese government under Xi Jinping has developed its ideas for reorganizing the regional security architecture of the region through several initiatives, including the Belt and Road Initiative (BRI), the establishment of Chinese-led development banks and plurilateral institutions such as the Shanghai Cooperation Organization (SCO), the militarization of the South China Sea, as well as expanding bilateral security cooperation. These actions are driven mainly by Beijing’s assertions to shape and reshape the existing regional and international order per its interests. The BRI project is a result of such claims. Xi Jinping characterized the US-led hubs-and-spokes alliance system as a relic of the Cold War, calling for a regional security architecture by “Asians for Asians” (Heiduk 2022; Schuman et al. 2023). In response to the growing Chinese influence, the US in 2017 introduced the concept of Free and Open Indo-Pacific (FOIP) (The White House 2017). The Indo-Pacific is connected to several aspects of the US-China rivalry.

However, institutionalization and regional cooperation dynamics have transformed, in some sense, and have accelerated in the 21st century. Some scholars have posited the extent of such changes to have been rather radical and have attributed this new dynamism to crucial

factors such as the rise of China, variations of trust and mistrust in the international system, and a decline in American reliability (Stanzel 2018). Furthermore, a preference for cooperation for interactions between actors, soft multilateral balancing, and greater dialogue initiative on regional and international security matters through a proliferation of informal agencies has played a crucial role in shaping the new order in the Indo-Pacific (Parks 2018; Cannon and Rossiter 2022). In recent years, the Indo-Pacific region has endured several shifts, giving rise to an era of coalitions and flexible alliances. This shift is also a natural response to the broader changes in the international system of rising multipolarity, flexible alignments, removing dependencies, and growing minilateralism. The complexities in the Asia-Pacific regional order are additionally propelled by several emerging players in a multipolar world seeking multi-alignments, thus incentivizing the emergence of small, issue-specific minilateralism such as the Quad and AUKUS, simultaneously also posing challenges to maintaining ASEAN unity and centrality (Cooper 2023).

Minilateral security arrangements are increasingly favored today. The revival of Quad with Australia, Japan, India, and the US as its members in 2017 was primarily attributed by several scholars as a response to the rise of China (Zongyou 2022). Nonetheless, the Quad Summit 2021 gave the grouping new energy to signal closer partnership for regional security, prosperity, and innovative collaborations on health, climate, supply chains, and technology. The coalition-building efforts signal the norms and entrepreneurial spirit of the Quad, aiming at a free, inclusive, open, and democratic rules-based order (Press Information Bureau 2021). AUKUS (Australia-United Kingdom-United States), on the other hand, is a defense agreement signaling a military entrepreneurial spirit with a greater focus on defense capabilities (including nuclear submarines), strengthening of bases, technology, and information sharing (Christianson 2024). Such “creative minilateralism” also indicates its potential to change the texture of strategic partnerships and is becoming more favorable in the region (Nilsson-Wright 2017).

This article examines the rise of minilateralism, focusing on the Quad and AUKUS coalition-building efforts in the Indo-Pacific. While the Quad emphasizes its normative regional security agenda, AUKUS highlights defense cooperation as a tool for balancing China’s growing military influence. Understanding the coalition-building process in minilateral groupings such as the Quad and AUKUS is essential as they signal their strategic intentions implicitly and explicitly, converge on shared interests, and communicate at various levels to avoid misunderstandings. Additionally, due to the dynamics of institutions in the Indo-Pacific region, coalitions, alignments, and alliances must be continually rethought, considering the shifting nature of geopolitics. This article contributes to the evolving literature on signaling and examines the different paths to coalition-building through the cases of Quad and AUKUS in the Indo-Pacific region.

The first section of this article examines the rise of minilateralism and contemporary regional geopolitics. The next explores signaling in IR literature and minilateralism, emphasizing gaps in coalition-building and creative signaling studies. The third analyzes the Quad’s strategy to signal normative relevance and inclusivity in the Indo-Pacific. The fourth addresses AUKUS’s signaling on nuclear issues, military commitments, and regional responses. The final section considers the future of the Indo-Pacific order, focusing on emerging minilaterals for inclusive growth and security.

MINILATERALISM IN THE INDO-PACIFIC

The Indo-Pacific region has witnessed a geopolitical churning in the past decade. This has led to the emergence of new nomenclatures (e.g., Asia-Pacific to Indo-Pacific), new strategic alignments with active and independent foreign policy outlooks, and new minilateral groupings such as the AUKUS and the Quad security dialogue working towards regional security (Rajagopalan 2021). Small coalitions are an effective alternative to cumbersome multilateralism and formal alliances. As traditional multilateral institutions, such as the United Nations and the World Trade Organization, become increasingly stagnated and inefficient, minilateral groups have arisen as an alternative means of achieving results. A smaller number of nations focus on niche issues and similar interests to seek creative alternatives to time-consuming multilateralism and limiting alliances (Mohan 2023).

Since the last decade, this region has experienced institutional flux characterized by pressures on multilateralism and an impasse on effective and timely decision-making. Besides continuing multilateralism and bilateral partnerships, a growing proliferation of minilaterals cements the evolving Indo-Pacific strategic concept. The region faces several challenges; existing institutions such as ASEAN face internal issues; Chinese military aggressiveness, especially in the South China Sea (SCS), has increased; and the rules-based international order is eroding amidst intensifying US-China rivalry (Ian 2023). In this scenario, minilateralism provides avenues for middle powers in the region to pursue flexible cooperation and coalitions on issues varying from global health, climate change, economic trade, and digitization to maritime security (Parameswaran 2024). In a speech in 2023, Malaysian PM Anwar Ibrahim painted a rather grim picture, stating that the “dark and self-destructive rivalry is producing exclusionary minilaterals and bifurcations within the region, thereby also indicating the uncertain age of flux” (Parameswaran 2023). In order to navigate this uncertainty, middle powers in the region have been calling for a more diverse, inclusive, and interconnected order that reinforces ASEAN centrality and ASEAN-led mechanisms to engage with other sub-regions (ASEAN 2021).

The region’s existing minilaterals, namely the Quad and AUKUS, are crucial to the region’s emerging security architecture. Newer minilateral security groupings, such as Australia-Japan-Philippines-US, are also evolving to reinforce traditional alliances using minilateral formats (Harding and Ingram 2024). However, beyond them, Southeast Asian nations have been paving their paths in this direction by pursuing quick and flexible minilateral solutions. Indonesia’s call for a maritime coalition of the willing reinstates the need for creative solutions to a long impasse on SCS code of conduct negotiations, greater cooperation amongst coast guards, and intensive maritime and defense collaboration (Jaknanihan 2022). The Sulu Sea trilateral patrols between Indonesia, Malaysia, and the Philippines and the Digital Economy Partnership Agreement (DEPA) between Chile, New Zealand, and Singapore are non-US-led minilateral solutions to address specific challenges in a timely and effective manner (Parameswaran 2024).

In short, minilateralism is a symptom of the region’s increasing rivalry, not the cause. On the other hand, as William Tow states, the emerging phenomenon of minilateralism should not be viewed as “completely replacing existing alliances and institutions but complementing them” (Tow 2018). This holds as governments continue to engage in regional and multilateral platforms alongside minilateral settings. Successful solutions from minilateral forums can be

expanded to regional and multilateral levels, gaining broader international support. Thus, consensus and collaboration among smaller nations are essential for effective signaling in a polarized international landscape.

LITERATURE REVIEW OF SIGNALLING IN IR DISCOURSE

The signaling literature in International Relations (IR) gained prominence in the post-Cold War period. Drawing on analyses of events during the Cold War, this literature explores crisis bargaining, examines the formulation of costly signals, and identifies mechanisms for delivering effective and credible signals to target states (Gartzke et al. 2017). However, in this context, a target state would necessarily imply the presence of an adversarial state (Koga 2024). The conventional research scope of signaling to adversarial states fails to consider the signals sent to allies and strategic partners to understand their stance. In this regard, several recent studies have emerged to signal a commitment to pre-existing allies. Gannon and Kent (2021) on signaling explain why states exercise costly signaling and contribute to coalition warfare in pursuing their desire for a strong relationship with a coalition leader. Signaling in major IR literature is often characterized as a costly endeavor (Fuhrmann and Sechser 2014). Alliance politics as a theoretical framework is employed to study signaling to allies fearing entrapment, reliability, and abandonment, and therefore, need signals of assurances and reassurances from alliance partners (DiGuiseppe and Shea 2021). Signaling in hubs-and-spokes networks fails to consider the newer forms of network building of multi-layered, informal, and flexible networks emerging in the Indo-Pacific region in present-day politics (Joshi 2022). In this manner, signaling is widely associated with commitment to formal alliances.

Therefore, signaling in minilateral coalition-building in the past decade has been explored less in the current discourse. As mentioned above, the existing literature weighs alliance partners and adversaries as a given, signaling clear and definite commitment goals, thereby making all security threats, including military threats, cogitable (Koga 2023). This framework, however, does not apply to minilateral groupings within a multiplex order that prioritizes informal and flexible dialogue mechanisms. Furthermore, contemporary coalitions differ significantly from those of the past. Indeed, a coalition of the willing was formed during the 1991 Gulf War or the War on Terror. However, their strategic objectives of winning the war and adversaries were marked (Cooper 2008). In times of peace, minilateral groupings are fluid and multipurpose, pursuing common interests without necessarily prioritizing a goal. Specifically, minilateral coalitions can converge on specific interests and agree to prioritize cooperation (Tirkey 2021).

Moreover, minilaterals do not have clear objectives at the outset of their coalition-building process. Instead, minilateral coalitions are pursued by an initiator state which signals its strategic objectives either implicitly or explicitly to like-minded countries with similar interests. Communication is fundamental to this process to avoid misinterpretations that could cause hindrances to the coalition-building process from kicking off (Koga 2024). Besides communication, the minilateral coalition-building process can face other challenges. For example, the idea of Quad was first introduced in 2004 by Japanese PM Shinzo Abe. Perhaps communication was well-taken, but its partners and allies did not share a common vision or

common interests until the concept of Quad was revived in 2017 due to the changing geopolitics in the Indo-Pacific region.

Signaling in a minilateral coalition-building process is also considered an inexpensive exercise that does not warrant commitment and costs. Such cheap talk and non-verifiable claims in pseudo-signaling can question the credibility of signaling (Sartori 2007; Morrow 2009; Carson and Yarhi-Milo et al. 2018). Nevertheless, such informal discussions play a crucial role in revealing the interests and preferences of a state (Van Willigen and Blarel 2024). For instance, the US did not have a concrete plan to develop the functioning of the Indo-Pacific Economic Framework (IPEF) despite a commitment to strengthening economic cooperation in the region. With commitment from Japan, Australia, New Zealand, Malaysia, and Singapore and communicating with its strategic partners, IPEF was conceptualized in 2022 as a framework to facilitate trade, technology transfers, standards of the digital economy, creating resilient supply chains and climate cooperation and other shared areas of interest (Goodman and Reinsch 2022).

In 2024, the framework will be expanded to 14 countries, including India, Southeast Asian nations, and smaller Pacific island states, to create an inclusive framework (Ministry of Commerce and Industry, 2023). Japanese PM Kishida also stated that an exclusionary economic framework for a few select economies would create tensions with ASEAN states. To accomplish the purposes of IPEF, it must be an inclusive framework to “demonstrate practical benefits and gain active cooperation from Southeast Asian nations” (Yomiuri Shimbun Online 2023). Signaling through cheap talk has proven helpful in obtaining knowledge of a state’s interests and preferences to develop further mechanisms to realize common interests.

Therefore, the complexity of comprehending signaling in minilateral coalition-building efforts arises due to its inexpensive nature to signal, sometimes ambiguously, to maintain its flexible and informal character. Moreover, effective signaling is critical to coordinating strategic priorities. Signaling is likely ineffective in case of contradictory pre-existing beliefs (Koga 2024). However, if reactions surface, both positively and negatively, the minilateral coalition has the potential to impact the geopolitical environment. Considering the impact and responses to the Quad and AUKUS, minilateral coalitions are proving to become more favorable, even indispensable, in the present-day strategic environment of the 21st century.

METHODOLOGY

In general, the purpose of qualitative discourse analysis is “to analyze communication [texts] in a systematic way according to specific rules and theoretical principles in order to draw conclusions on certain aspects of the communication” (Mayring and Fenzl 2008). In this case, conclusions about the discursive support from the Member States of the two cases in this study, namely the Quad and AUKUS, will be drawn. This article analyses the the type of foreign policy, rhetoric, and strategic signaling embodied as evidenced in primary sources such as official speeches, governmental documents, press releases, minilateral outcome documents, and secondary sources such as journal articles and other related literature.

THE QUAD SECURITY DIALOGUE: A NORM-BUILDING INSTITUTION?

The Quad minilateral grouping is considered an idea proposed by former Japanese PM Shinzo Abe and his administration. Despite initial signaling, the Quad as a grouping did not launch (Fraser 2023). Some scholars account for loose coordination and responsiveness within the TCG during the 2004 Indian tsunami. Moreover, well-established bilateral and trilateral relationships already existed among three of the four members. Moreover, the strategic environment in the Indo-Pacific did not compel the rise of minilateral groupings such as the Quad, as their commitments to the war on terror seemed to be a priority. The inability of the four states to effectively communicate and coordinate their policies due to divergent strategic interests led to its quick collapse. However, Japan's role is crucial in formulating a democratic strategic framework emphasizing value-oriented diplomacy to uphold the rules-based international order. The first meeting in April 2007 did not have a preconceived agenda and was described as "exploratory" in nature. Its purpose was to envision value-based security frameworks, foster strategic dialogue, and plan joint military exercises, thereby establishing it as a grouping with political and military undertones (Chellaney 2007; Smith 2020).

However, the strategic environment of the Indo-Pacific region began to shift with the rise of China under Xi Jinping. The initial gaps in threat perception toward China brought convergences in the grouping, thus leading to attempts to revive the Quad in 2016. Abe's desire to form the Quad has been consistent. Despite its initial collapse, Abe, in his 2012 article titled "Asia's Democratic Security Diamond", emphasized the importance of democratic states such as Japan, India, Australia, and the United States, along with other democratic partners like the United Kingdom and France, cooperating collectively to counter Chinese maritime aggression in the South China Sea and the East China Sea (Abe 2012). The lack of enthusiasm can be attributed to the non-immediacy of the Chinese threat. Despite the lack of support from strategic partners and unwillingness to institutionalize, Japan introduced its grand plan in 2016 called the "Free and Open Indo-Pacific" (FOIP) through a speech in Kenya (Ministry of Foreign Affairs of Japan 2016). Though it lacked concrete formalizing at first, it was founded upon three normative, value-based principles- promotion and establishment of the rule of law, freedom of navigation, and free trade; pursuit of economic prosperity, and improving connectivity and commitment to ensuring peace and stability in the region (Government of Japan 2016).

Since its return in 2017, the Quad has sparked widespread interest and debate regarding its geopolitical relevance. However, most of the attention was on the future, including what the Quad may become. The Quad soon held several meetings, initially at the military officers' level. Later in 2019, the Quad Foreign Ministers meeting was convened in New York. By September 2021, the Quad security grouping was upgraded to the summit level. The statement issued after the first summit meeting laid out the overarching purpose and vision for the region that is signaling for a free, open, and inclusive rules-based order rooted deeply in protecting international norms, upholding international law, and remaining undaunted by coercion to bolster Indo-Pacific security architecture (The White House 2021).

The Quad's coalition-building efforts aim to signal the grouping as a force for good to the broader audience. In order to bring tangible results, they sought closer cooperation on global health security since the COVID-19 pandemic. In this regard, they led efforts to strengthen health systems, adapt to collective approaches to procurement of supplies, vaccine

diplomacy, and create a global health security focused on prevention, preparedness, and rapid response. Over the past few years, the Quad members have brought closer cooperation in infrastructure, climate action, disaster preparedness, and other spheres, such as space, to build capacity to respond to unexpected catastrophes and ensure sustainability in using space, resources, and ease of living. The Quad also focuses on harnessing critical and emerging technologies to enhance regional security and prosperity. However, they have indicated the importance of technology development guided by their shared democratic values, respect for international norms, and territorial sovereignty. Individually and together, they have signaled to each other and the wider audience the vitality of ensuring an inclusive, free, and open region governed by universal rules and norms (Australian Government 2023). They have welcomed AOIP and the European Union (EU) Strategy for Cooperation in the Indo-Pacific (Ministry of External Affairs 2021; The White House 2023). As mentioned earlier, ASEAN countries view exclusionary groupings with skepticism as they are centrally situated in the region. Hence, the subsequent summits have emphasized the importance of ASEAN unity and signaled their strong support for ASEAN centrality for the practical implementation of the ASEAN outlook on the Indo-Pacific (AOIP).

The Quad nations are also part of joint military exercises. The Malabar Exercise, a bilateral drill between India and the United States, has evolved into one of the leading multilateral naval exercises to improve operational coordination, intelligence sharing, and naval interoperability among the Quad countries. The exercise began in 1992 as a bilateral endeavor between India and the United States along the Malabar Coast, located in the southern part of India's west coast. It expanded in 2007 to include Japan and Australia, and Japan became a permanent partner in 2015. Australia rejoined the exercise in 2020, marking the Quad's first combined involvement in military drills (Ministry of Defence of India 2024).

The outgoing US President, Joe Biden, hosted the 2024 Quad summit in Delaware, USA, where the leaders, without directly naming China, expressed grave concern about the situation in the South China Sea and nearby waters, condemning the "dangerous" use of coast guard and maritime militia vessels in that region. The leaders issued a joint statement announcing many new and ambitious projects in marine security, infrastructure, key and emerging technologies, humanitarian assistance, and disaster relief. A crucial outcome of the summit was the resolution to conduct joint coast guard operations, including launching the first-ever "Quad-at-Sea" ship observation mission in 2025 to promote maritime safety in the Indo-Pacific. The leaders also announced a new regional Maritime Initiative for Training in the Indo-Pacific (MAITRI) to help partners maximize the capabilities available through Indo-Pacific Maritime Domain Awareness (IPMDA) and other Quad efforts (The White House 2024).

The Quad was still cautious about integrating its military cooperation, especially Malabar Exercises, albeit it has become increasingly Australia-India-Japan-US-oriented (Parameswaran 2021). Instead, the Quad evolved into one of the leading frameworks for implementing a FOIP that would deliver regional public goods in the Indo-Pacific region, such as the COVID-19 vaccines, thus securing the coalition more concretely.

AUKUS: A TACTICAL TOOL?

Formally announced in September 2021, AUKUS, led by an Australian initiative, reinforced trilateral security cooperation between Australia, the United Kingdom, and the US (Department of Defense of the US 2021). AUKUS's strategic goal is to preserve and improve the traditional balance of power in the Indo-Pacific region in its favor by enhancing Australia's military capabilities under the advert of international rules-based order (Luthra 2023). Recognizing that the existing international order no longer ensures US unipolarity, AUKUS decided to adopt a two-pronged approach: Pillar I to bolster Australia's military capabilities through the acquisition of nuclear-powered submarines with technological assistance from the UK and/or the US and Pillar II to facilitate cooperation on defense technologies, including, artificial intelligence, maritime technology, quantum technologies, and, cyber capabilities (Kahn 2023).

The strategic objectives for AUKUS have been clearly stated since its inception. AUKUS is symbolic of strategic choices for Australia and the UK to establish and maintain long-term security alignment with the US in the region (Pongsudhirak 2021). Until the formal announcement of the trilateral agreement, Australia's initiative and subsequent discussions leading up to it were kept internal and confidential. Nonetheless, the grouping took shape at a startling pace mainly due to the willingness and need to elevate the role of middle powers such as Australia to balance China. Australia's crumbling ties with China and trade wars in 2020 helped Australia accelerate its effective signaling to strengthen AUKUS (Vijaya 2021). For the UK, AUKUS is a valuable signaling tool for repositioning itself post-Brexit in the EU and Indo-Pacific regions. Moreover, AUKUS is not a collective security pact like NATO but an informal alliance of three close allies to exhort security cooperation, defense cooperation, and mutual military support to enhance capacity-building and deterrence capabilities (Panda 2022).

Coalition-building efforts for AUKUS commenced in 2016 after Australia voiced concerns over the delays in negotiating submarine deals with the French Naval Group (Sheftalovich 2021). However, before that, the three members began sharing similar security perspectives for the Indo-Pacific region. Since the rise of China and challenges to the status quo liberal international order became eminent, the members of the grouping experienced strategic convergence in their perception of threat and their vision for the region. The UK began to tilt toward the Indo-Pacific region and considered strengthening the UK's nuclear industry (Breslin and Burnham 2023). Thus, strategic convergence among the alliance partners led to signaling commitments to the region and sharing nuclear technology with Australia through the 2017 National Security Strategy released by the US (The White House 2017).

To be precise, AUKUS is an exclusionary security minilateral grouping signaling its ability to build nuclear-powered submarines to the international community and the region. Australia's withdrawal from its deal with France's Naval Group demonstrated its unwillingness to form an inclusive coalition after rejecting France's offer of nuclear submarines (Willsher and Hurst 2021). Furthermore, the AUKUS addressed the potential of nuclear technology transfer (Luthra 2023). While technology and information transfer issues exist between close and trusted allies, Australia sought to explore mechanisms for acquiring nuclear-powered submarines from the US and the UK. In 2024, Australia recently announced a 3 billion USD deal to acquire nuclear submarines from the UK by 2030 and bolster the nuclear industry mutually (The Economic Times

2024). In 2024, the AUKUS members also streamlined defense trade to increase investments and reduce red tape. They are boosting licence-free trade by reforming the International Traffic of Arms Regulations (ITAR). The Australian government has committed 28 million USD to implement reforms in the Defence Trade Controls Amendment Act 2024 to accelerate trade and defense partnerships under AUKUS (Australian Government 2024). Initiatives like Project Convergence are critical for the member nations to work together, test and implement new technologies to improve interoperability and refine joint tactics (Abke 2024). Though Australia was aware of the restrictions to a nuclear arrangement, it strategized its goals and signals that they were not limited to nuclear options in its vision for coalition-building. By seeking greater military cooperation, technological innovation, and mutual capacity-building measures, the alliance members ensured the long-term sustainability of its coalition-building process (Koga 2024).

Notably, AUKUS signals its interest in remaining deeply engaged in the Indo-Pacific security architecture by enhancing its capability to deter Chinese threats to the region's values, prosperity, and overall security (The White House 2023). Australia has taken a stronger position against China through AUKUS. The agreements under AUKUS are adjusted with a particular emphasis on China, and the implementation of the agreements is ensured to be practical. Strategic and operational agreements will make AUKUS a viable hard-power deterrent against China (Singh 2023).

Considering its hard power posturing, China has criticized AUKUS for representing an "outdated cold war mentality" by pitting against Chinese military expansion and influence (Yan 2021). ASEAN nations such as Indonesia and Malaysia also echoed concerns regarding the risks of arms race and nuclear proliferation threatening the peace and stability of the Indo-Pacific region (Li 2022). Indeed, exclusionary alignments are seen as a detriment to the region. Moreover, Australia's signaling for nuclear proliferation is perceived as a contradictory signal to its rhetoric of rules-based international order. Nevertheless, strengthening the pillars of AUKUS would ensure intensive engagements at various levels in the government, civil society, industry, and other sectors focused on capacity, credibility, and intent for safer security architecture in the Indo-Pacific region. Surprisingly, Japan has signaled its interest in joining AUKUS and deepening its cooperation in the region, thus making the coalition more relevant and credible to the challenges of the present time (Peri 2024). Hence, it is clear that despite some concerns about the emergence of this trilateral grouping, broadening its strategic vision and re-emphasizing the peace and stability of the region validates its strategic convergence for a longer time.

CONCLUSION

In short, signaling is a valuable framework for understanding the strategic convergences of minilateral alliances. Signaling in minilaterals can be explicit or implicit. Though signaling has been referred to as a costly alignment, inexpensive means have also shown successful results in minilateral coalition building. Minilateral coalitions do not necessitate similar threat perceptions. While similar threat perceptions are helpful for any coalition, minilaterals can also converge for specific goals despite dissimilar perceptions of threats. Minilaterals additionally break the conventional norms of pre-set objectives in alliances. Therefore, strategic goals in a minilateral alliance can either be exploratory or pre-set for its functioning.

This article has argued that Quad's coalition-building process took several years to achieve strategic convergence towards an inclusionary alliance. On the contrary, AUKUS's exclusionary coalition surprised many countries, garnering harsh and critical responses. Both the Quad and AUKUS seek to present a vision to ensure the peace and stability of the region and address some common security challenges. Furthermore, both the minilateral groupings inspire the growing network of informal alliances for digital infrastructure, calls for a maritime coalition of the willing, and other such initiatives. The emerging networks of informal alliances benefit states in the region aiming to de-risk from China and diversify their partnerships.

Consequently, institutionalizing Indo-Pacific minilateralism has not followed a linear trajectory. Minilateralism changes with time based on the evolution of a strategic environment and the necessity for collaboration. The formation of Quad and AUKUS demonstrates the dynamic nature of institutions in the Indo-Pacific region.

The Indo-Pacific region is experiencing strategic transformations defining the era of coalitions upon us. In recent years, there has been a significant shift in the polarity of the international order, alignments for strategic signaling, and minilateral coalitions to overcome the ineffectiveness of multilateral institutions in the region. Each emerging coalition in the region has a different set of countries, signaling tactics, and objectives, thus resulting in a diverse range of coalitions with distinct characteristics. To be sure, bilateralism and multilateralism arrangements do not become redundant. Instead, the emerging multi-layered form of communication comprises intensive engagements in all different formats, including bilateral, multilateral, minilateral, and plurilateral forms, sometimes leading to spillover of issues discussed (Wilkins 2023). Thus, exclusionary alliances will be detrimental to the region's overall security and prosperity in the complex web of interdependence in the system. Multi-alignment and informality have caused a decentralization of the international system, compelling further research. Middle powers also present new opportunities to pursue transcendental institutionalism and normative diplomacy in today's Indo-Pacific region.

Finally, the impact of great power competition cannot be overlooked due to the complex nature of dilemmas affecting middle power relations with major players worldwide, causing strains in creating a peaceful and stable order. Middle and small powers in the region are skeptical of the presence of major powers such as the US and an assertive China. By pursuing co-engagement strategies, these states seek diversification in bilateral, multilateral, minilateral, and informal coalitions shaping the dynamic institutionalization and normative diffusion in the transitioning era of a multiplex world order.

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Iron Brothers: The Strategic Bond between China and Pakistan

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Abstract: *China and Pakistan have established a robust strategic partnership driven by shared geopolitical and socioeconomic interests. Often referred to as the "Iron Brothers", their relationship has demonstrated remarkable resilience, enduring misunderstandings and differences even under challenging circumstances. China's strategic and security priorities in South Asia and the Indian Ocean region align closely with Pakistan's military and economic objectives, forming a strong basis for sustained cooperation. Additionally, their shared rivalry with India and the perceived threats from India and its allies further reinforce their alliance. This article examines the Sino-Pakistani partnership through the lens of balance of power and security dilemma theories, highlighting the key factors underpinning their enduring relationship. It concludes that, despite potential challenges, both nations are poised to strengthen their collaboration in pursuit of mutual military, geopolitical, and economic objectives.*

Keywords: *China-Pakistan Relations; Iron Brothers; Balance of Power; Security Dilemma; South Asia; Indian Ocean; Gwadar Port*

INTRODUCTION

China has established itself as a formidable economic and military power regionally and globally. As its global influence expands, China's geopolitical and socioeconomic interests have grown significantly in South Asia and the Indian Ocean region. China has become one of the most influential external actors in South Asia. Beijing's rapid "ascent to power in the early 21st century has disrupted the balance of power in South Asia, compelling New Delhi to reassess its foreign policy strategy" (Le Monde 2024).

Over the last six decades, China and Pakistan have forged a strong strategic alliance driven by their mutual interests. From a geopolitical perspective, both nations perceive their partnership as countering India's regional dominance. China's strategic support enables Pakistan to manage its rivalry with India, while Pakistan offers China a valuable foothold in South Asia (Zaidi 2013).

Religious, cultural, political, and economic differences between Pakistan and China have not prevented them from becoming "Iron Brothers". Their bilateral relations are so crucial that no misunderstanding has ever marred their strategic bond. As a result, their alliance endures under any circumstances.

China's broader strategic and security interests in the Indian Ocean region and Pakistan's military and economic priorities naturally overlap and strengthen this strategic bond. Both countries share an intense rivalry with India, and the perceived threat from India and its allies further solidifies the Sino-Pakistani alliance. In this regard, Maqsood (2021) argues that the China-Pakistan strategic partnership, anchored in Gwadar Port and the China-Pakistan Economic



Corridor (CPEC), counterbalances India's regional ambitions in South Asia.

China-Pakistan friendship spans various fields, including diplomacy, economy, education, culture, sports, and health. Chinese support for Pakistan in the fight against Covid-19 was significant (China Daily 2020; Dawn 2024). The Chinese President, Xi Jinping, noted on his visit to Islamabad in 2015 that he had experienced going to his brother's home since Chinese delegates had mentioned China and Pakistan as "Iron Brothers" in the past. Nawaz Sharif, the former Prime Minister of Pakistan, described Chinese President Xi Jinping's visit to Pakistan in 2015 as a watershed moment in the history of Pakistan-China relations. During this landmark visit, both nations signed 51 Memorandums of Understanding (MoUs) encompassing a broad range of areas to strengthen their bilateral ties. Among the agreements, the China-Pakistan Economic Corridor (CPEC) stood out as the centerpiece (Dawn 2015).

Some of the key reasons for their strategic bonds have been: i) common security threats from India; hence, to counter this threat, a robust security and strategic bond between China and Pakistan is inevitable; ii) Pakistan perceives that a major economic power like China has the potential and can help revive Pakistan's economy, especially through China-Pakistan Economic Corridor (CPEC); iii) Pakistan's inclusion in Belt Road Initiative (BRI) is a win-win for both countries; iv) to counter Chinese influence, India joined the Indo-Pacific Strategy (IPS) and Quadrilateral Security Dialogue (Quad), hence, to enhance China's naval dominance in the Indian Ocean. Pakistan's Gwadar port can be crucial to countering Indian and Quad's influence in the Indo-Pacific region.

This study has significance in deepening the understanding of security dynamics and balance of power in the South Asian region of the Indo-Pacific by analyzing the strategic relationship between China and Pakistan.

This study explores the underlying causes of the China-Pakistan strategic bond and assesses whether this alliance can endure despite its challenges. Additionally, this study aims to analyze the China-Pakistan relationship through the theoretical frameworks of the "balance of power" and "security dilemma". This article argues that, despite certain challenges, China and Pakistan will continue strengthening their ties to serve their mutual military, geopolitical, and economic interests.

LITERATURE REVIEW

The China-Pakistan strategic bond or partnership has been extensively discussed in previous literature. For instance, scholars such as Andrew Small, Khalid Mahmood, Umbreen Javaid, and Rameesha Javaid have thoughtfully analyzed the strategic alliance and economic relations between China and Pakistan. Andrew Small (2015), in his book "The China-Pakistan Axis: Asia's New Geopolitics", argues that the China-Pakistan alliance is deeply rooted in shared geopolitical and security concerns. He highlights how the alliance originated as a response to common threats, particularly India's growing regional dominance. Small provides an incisive examination of the Sino-Pakistani relationship and its broader significance within the Asian geopolitical context. His work sheds light on critical aspects of the alliance, including strategic and economic ties, particularly through the China-Pakistan Economic Corridor (CPEC). It addresses China's dilemmas, such as balancing its support for Pakistan while managing threats from Islamic militancy.

Furthermore, Small connects the Sino-Pakistani axis to global issues such as nuclear proliferation, terrorism, and great-power competition involving India and the United States. However, Small's analysis lacks attention to some pressing challenges China and Pakistan face in strengthening their strategic bond. Specifically, he does not adequately address the impact of local militancy in Balochistan—a region central to CPEC—Pakistan's growing debt dependency on China and the political instability in Pakistan. Additionally, obstacles to the strategic partnership, particularly in implementing CPEC, receive limited focus. The strategic importance of the Gwadar port for China's maritime security and Indo-Pacific strategy has also been explored insufficiently. While Small provides a detailed analysis of the historical, military, and geopolitical aspects of the China-Pakistan relationship and incorporates elements of political theory, such as the balance of power and security dilemmas, his approach remains largely empirical and narrative-driven. Though present, the theoretical underpinnings of these concepts are not deeply elaborated.

Khalid Mahmood's (2011) article "Pakistan-China Strategic Relations" offers a comprehensive historical and strategic overview of Pakistan-China ties, emphasizing the resilience of their "all-weather" friendship. Mahmood highlights key developments, such as China's economic and military contributions to Pakistan and their shared positions against regional and global challenges, including terrorism and the growing influence of India-US relations. The article also outlines milestones like establishing the Gwadar Port and the China-Pakistan Economic Corridor (CPEC), emphasizing their strategic and geopolitical significance. However, the security challenges related to Chinese infrastructure projects, such as attacks on Chinese nationals in Pakistan, are only briefly mentioned, leaving a critical gap in the analysis.

Similarly, Javaid Umbreen and Javaid Rameesha (2016), in their article "Strengthening Geostrategic Bond of Pakistan and China Through Geoeconomic Configuration", provide a broad overview of the Sino-Pakistan relationship, particularly in the context of evolving geopolitical and geoeconomic dynamics. However, their analysis also has significant gaps, especially in its treatment of military cooperation and maritime security, which are fundamental pillars of the China-Pakistan strategic bond.

This study seeks to address the gaps in the existing literature and aims to answer the following questions: How has this alliance evolved? What are its underlying drivers, and what challenges do these "Iron Brothers" face? Furthermore, can this bond withstand the challenges posed by militancy in Baluchistan, Pakistan's growing reliance on Chinese debt, and the shifting dynamics of global geopolitics? It also contributes a conceptual analysis of the "balance of power" and "security dilemma" to deepen the understanding of the China-Pakistan strategic partnership.

METHODOLOGY

This study employs a qualitative research approach, relying on a comprehensive examination of secondary sources. The methodology involves an in-depth analysis of diverse materials, including books, peer-reviewed scholarly journals, reputable newspapers, and official government documents. By synthesizing insights from these varied sources, the study seeks to provide a nuanced and well-rounded understanding of the subject matter, firmly rooted in existing literature and evidence.



CHINA-PAKISTAN BOND: A PERSPECTIVE ON THE BALANCE OF POWER AND THE SECURITY DILEMMA

Balance of power (BoP) theory is a core concept in the realist school of international relations. It posits that national security is enhanced when military capabilities are distributed so that no single nation is strong enough to dominate all others. States continuously seek to ensure that no one state becomes overwhelmingly powerful, which could threaten their security and sovereignty. The concept of the balance of power can be traced back to ancient and classical political thought. However, it was systematically developed in the modern era by political thinkers and practitioners, e.g., Hans Morgenthau in his seminal work "Politics Among Nations" (1948), and Kenneth Waltz advanced the theory further in his book "Theory of International Politics" (1979), where he developed the concept of structural realism (or neorealism), emphasizing the anarchic structure of the international system. Waltz's structural theory of international politics argues that the distribution of power in the international system determines how states act. China's military and economic rise and Pakistan's response are framed as part of a balancing act in the region (Waltz 1979, 118-125).

This theory argues that states will seek to prevent one from becoming too powerful by balancing against it through internal military build-up or external alliances. States may seek to shift the balance in an unbalanced system through diplomacy, economic leverage, or military action. Therefore, it can be concluded that there are two primary forms of balance of power: i) internal balance and strengthening one's military capabilities, and ii) external balance, forming alliances or bonds with other states to counterbalance a common threat.

The China-Pakistan strategic bond is often seen as a key example of external balancing. The alliance is a counterweight to India's regional influence, particularly given India's historical rivalry with Pakistan and China's strategic interests in containing Indian power. China's growing economic and military capabilities have led it to seek regional stability, particularly in South Asia, where India is a potential counterbalance. By strengthening Pakistan, China ensures a strategic ally in the region, especially concerning India's military and economic rise.

In the face of India's regional dominance and growing military capabilities, Pakistan relies on China for military support, technological transfers, and infrastructure development, particularly the China-Pakistan Economic Corridor (CPEC). This improves Pakistan's security and strengthens its economic position vis-à-vis India. Another prominent political scientist, John Mearsheimer, discusses the theory of offensive realism, which builds on the balance of power theory. He argues that great powers, like China, often seek regional dominance, and balancing behavior by smaller states (like Pakistan) is a natural reaction to prevent encirclement or domination by a stronger neighbor (like India) (Mearsheimer 2001, 16-22).

On the other hand, the security dilemma refers to a situation in which actions one state takes to increase its security (e.g., military build-up, alliances) can lead other states to respond with similar measures, thereby decreasing the original state's security. This cycle can escalate tensions and conflict, even when no state initially intended aggression. Robert Jervis (1978) explains how states are caught in a cycle where measures to increase one's security (e.g., military alliances like China-Pakistan) lead to a destabilizing arms race and heightened insecurity for all parties.

Therefore, it can be concluded that the following dynamics can illustrate the security dilemma in the context of China-Pakistan relations: i) China's military expansion: China's increasing military capabilities, particularly in the Indo-Pacific region, can be seen as a response to US and Indian power. This might cause India to feel threatened and seek a balance against China. Pakistan, on the other hand, perceives India's reaction as a threat and seeks deeper strategic and military ties with China to counterbalance India. ii) Pakistan's military and strategic positioning: In response to India's military expansion and its growing partnership with the United States, Pakistan's strengthening of ties with China can be seen as an attempt to secure its position. However, this action may prompt India to increase its defense spending and form new alliances, leading to further escalation. This cycle of perceived threat and counter-response constitutes the security dilemma.

These two theories apply to China-Pakistan bonds as they have a rival, India. China and Pakistan aligned themselves to counterbalance India's regional power and influence. They have established robust military cooperation and strategic partnerships. According to the balance of power theory, the China-Pakistan alliance is primarily motivated by a mutual interest in counterbalancing India's regional influence and power. Pakistan's alliance with China is a strategic response to India's military capabilities and regional aspirations. For China, Pakistan is a key ally to counterbalance India's growing ties with the United States and its regional influence.

On the other hand, based on the security dilemma theory, it is argued that the interaction between China, Pakistan, and India creates a security dilemma, as each state's actions to increase security—whether through military build-up, alliance formation, or technological advances—can be perceived as a threat by the others, leading to further escalation of tensions in the region.

From the lens of security dilemma theory, it is evident that their mutual security concerns and perceptions of threats from India drive China-Pakistan close military collaboration. The actions of China-Pakistan are perceived as defensive but might be seen as offensive by their adversaries, particularly India. Due to China's perception of Malacca Strait as a threat, it wants to access the Indian Ocean through Pakistan for its strategic interests. Cooperation "with Pakistan through the China-Pakistan Economic Corridor (CPEC) was perceived as an opportunity to gain an additional access point to the Indian Ocean through the construction of a new gas pipeline" (Paszak 2021).

CAUSES BEHIND THE CHINA-PAKISTAN STRATEGIC BOND

Increasing Sino-India Strategic Rivalry in South Asia and Beyond

China and India are two of the most powerful nations in Asia; their relationship is characterized more by rivalry than friendship. For decades, animosity between the two countries has persisted, fueled by numerous territorial disputes and their respective alliances with other nations. These nuclear-armed neighbors share a long history of mutual distrust and intermittent clashes along their expansive shared border. The Sino-Indian border conflict of 1962, for instance, escalated into a four-week war that saw more than 7,000 Indian soldiers killed or captured on the Indian side before Chinese forces eventually withdrew (The International Crisis Group 2023).

It is argued that China has been actively working to expand its influence across Asia, particularly in the economic sphere, which it also perceives as a strategic security measure. However, India views this expansion as threatening its regional power and influence. India remains particularly concerned about China's growing presence in the Indian Ocean, especially its String of Pearls strategy—a maritime initiative involving the construction of deep-sea ports in Pakistan, Myanmar, Sri Lanka, and Bangladesh, effectively encircling India (Freeman 2018).

Except for Bangladesh, China has already built deep-sea ports in the aforementioned countries. China has been eager and has actively sought to persuade the Bangladeshi government to build a deep-sea port on Sonadia Island, located on the southern coast of Bangladesh. However, the Bangladeshi government has officially canceled the development of a deep-sea port on the island (Ramachandran 2020). With this, China's high-profile project in the Bay of Bengal, considered to further China's economic and strategic influence in the Indian Ocean region, has been given a formal burial. Nevertheless, this writer thinks that the Dragon will not easily give up its efforts to build a deep-sea port in Bangladesh. The strategic competition between these two Asian powers has already reached Africa. India is concerned about China's increasing naval presence in Africa (Greene et al. 2021).

This dynamic inevitably leads to a tense relationship between the two powers. Extensive Chinese support for Pakistan on the nuclear front, as well as Chinese territorial claims of Kashmir and Arunachal Pradesh, coupled with the escalations between the countries in the India-China border at different times since 1962, including the border clash that killed 20 Indian soldiers in 2020, have made it immensely difficult for them to enjoy a harmonious relationship (Pollock and Symon 2023).

China and India: Territorial Disputes and Border Clashes

The Kashmir and Arunachal Pradesh regions have been particularly contentious, contributing to the deterioration of Sino-Indian relations. China claims Arunachal Pradesh as part of South Tibet and the Aksai Chin region of Kashmir as part of Xinjiang, intensifying territorial disputes and tensions between the two nations. This has caused tensions to escalate, reaching a boiling point in recent years due to border conflicts. Over the past decade, the situation has deteriorated significantly, with the painstakingly built rapport between the two being completely undermined. Between 2013 and 2022, there have been more tension hikes than there were after the post-1962 war. According to Damien Symon and John Pollock, the rise in clashes and militarization in the Aksai Chin region has made Sino-Indian relations more nationalistic (Symon and Pollock 2023). There are numerous reasons behind this, and some specific elaborations are outlined below.

The Kashmir Dispute

Kashmir has been a heavily contested region in South Asia, mainly between India and Pakistan. However, China is also part of this dispute, as it claims a part of Kashmir, specifically the Aksai Chin region, as its own territory, part of its Xinjiang region. Nevertheless, India claims the Aksai Chin region as a part of its Ladakh region. In 1957, without India's knowledge, China constructed a road through the Aksai Chin region, but India was unaware of it. Eventually, it

leads to a confrontation between the Dragon and Elephant. This road construction, along with the rebellion in Tibet, caused the Dalai Lama to escape and take refuge in India, which eventually led to the Sino-Indian War in 1962. As a result, rifts have been created between these two nations, further entrenching their animosity in the last 62 years. According to Ghulam Ali, territorial disputes are one of the key factors contributing to the two countries' rivalry, especially after Xi Jinping and Narendra Modi took the reins in their respective countries, whose nationalist policies may have had provocative effects (Ali 2023).

After the annexation of Kashmir in August 2019, the region lost its autonomous status, and the crisis on the Himalayan border between India and China and India and Pakistan started to escalate. The threat of an attack on India from both the Chinese and Pakistani sides stays in the minds of Indian civilians, as they fear the possibility of a double onslaught from China and Pakistan, especially through Eastern Ladakh, which contains significant connections between China and India (Saboor, Ali, and Bhutto 2022). China won the Aksai Chin and has controlled the region since the end of the Sino-India war in 1962. As a result, the Chinese military presence in the region has become much more prominent, causing Sino-Indian tensions to rise (Pollock and Symon 2023).

Conflict Over Arunachal Pradesh

Another region that has been a source of serious contention between the two powers is Arunachal Pradesh. China has claimed that it is Chinese territory, namely South Tibet, despite it being officially a part of India. The 2023 edition of "the standard map of China, released on 28 August 2023, illegally shows Arunachal Pradesh and Aksai Chin (which is an integral part of India) in Chinese territory" (Indian Defense News 2023).

However, the Chinese map showing Arunachal Pradesh and Aksai Chin as part of China was firmly rejected by India (The Indian Express, 2023). China has also denied visas to Arunachal residents traveling to China, stating that it is unnecessary as they are Chinese themselves. Furthermore, when India tried to get ADB aid for the Arunachal region, China attempted to impede it (Goswami 2011).

From the Indian perspective, this reflects China's aggression towards laying claim to territories in the region that it believes belongs to it, inevitably causing tensions with India. On the other hand, from the Chinese perspective, India's claim on Arunachal is illegitimate as it is a result of the Simla Convention imposing the McMahon Line, which it views to be unfair, and the colonial perspective views the line as illegal as it was negotiated between Britain and the Dalai Lama, despite Tibet not being a sovereign state and instead being a region trying to secede (Lone 2023).

China's Moral and Political Support for Pakistan on the Kashmir Issue

China has always provided its moral and political support for Pakistan on the Kashmir dispute. During a meeting between Chinese Foreign Minister Qin Gang and Pakistani Foreign Minister Bilawal Bhutto Zardari in May 2023, the Chinese minister stated that the Kashmir dispute should be resolved following the UN Charter, relevant Security Council resolutions, and

bilateral agreements. Both sides also opposed unilateral actions that further complicate the already volatile situation in Kashmir (Prothom Alo 2023).

In August 2019, the government of Narendra Modi revoked Article 370, and thus, the special status of Kashmir was changed, bringing the Indian-controlled Kashmir under the control of the central government. Following this, troops were deployed in the region, and it was annexed. This status change in Kashmir caused massive controversy internationally (Ellis-Peterson 2019). In response to the change, Mr. Liu Zongyi, a researcher at the Shanghai Institute of International Studies (SIIS), said about Sino-Indian relations, "Due to India's classification of Ladakh as a centrally administered area, the territory of the region, which India occupied in the western sector of the Sino-Indian border, will also have an impact on the stability of Sino-Indian relations" (ICS Research Blog 2019). Mr. Liu Zongyi further stated that:

[T]he Bhartiya Janta Party and its parent organization, the Rashtriya Swayamsevak Sangh, have always believed India has been at the forefront of resisting the Muslim invasion for 1300 years. The revocation of the Kashmir special status is the successful accomplishment of the BJP/RSS political agenda, i.e., to strengthen Indian control over Kashmir, to alter Kashmir's demographic nature, and to fully integrate it into the Union of India (ICS Research Blog 2019).

As already discussed, this issue is further intensified in the context of China, which is also laying claim to part of Kashmir, Aksai Chin (Allauddin, Liu, and Ahmed 2020). As a result, India faces the challenge of defending against territorial claims from two sides, both of which maintain close ties. Furthermore, India must also contend with the potential security implications of China's economic support for Pakistan. Consequently, the fractures in India-China relations continue to deepen.

China's Role in Strengthening Pakistan's Defense Technology

The issue of Defense has been the core of the China-Pakistan strategic bond (Allauddin, Liu, and Ahmed 2020). Over the years, China has provided Pakistan with a wide range of major conventional weapons systems, and the two countries have developed close partnerships in various defense cooperation programs. In addition, it is widely known that China has helped promote Pakistan's nuclear and missile technology. Shankar suggests that Pakistan's nuclear weapons program was initiated, developed, and tested by Beijing starting in the mid-1970s. This is further evidenced by the swift operationalization of the Khushab reactors, particularly II and III, where weapons-grade plutonium is produced with consistent and substantial support from China (Shankar 2013). It is argued that in the 21st century, Beijing's close ties with Pakistan have continued to grow, reflected in enhanced civil nuclear and missile cooperation. China's South Asia policy is shaped by its security concerns regarding India and the Indo-US alliance (Pant 2012). Also, in 2011, when Pakistan faced backlash globally, China was the only one who advocated for Pakistan. Over the years, Pakistan and China engaged in rounds of talks over military issues. Amid worsening relations with the United States, Pakistan's Prime Minister Imran Khan visited China in 2022 to bolster bilateral ties, particularly as the United States deepens its partnership with India. Recently, with the removal of Imran Khan as the Prime Minister of Pakistan, experts say that China's friendship with Pakistan will remain strong in the future.

By seeing its bilateral relationship with China as a valuable friendship, Pakistan relies on China as a trusted ally in dealing with India from a position of military weakness. On the other hand, Beijing also values its close ties with Islamabad to extend its influence to South Asia and set a balance against India. The recent US intelligence reports suggested that despite Chinese pledges to stop providing missile technology, it has continued to deliver Pakistan guidance systems and technical expertise in the latter's effort to develop long-range ballistic missiles (Allauddin, Liu, and Ahmed 2020). China assisted Pakistan in the development of key military assets, including the Al-Khalid main battle tank and the JF-17 Thunder fighter jet. It is well known that China has given full support to Pakistan in developing Pakistan's nuclear weapons.

China-Pakistan Economic Corridor (CPEC)

The China-Pakistan Economic Corridor (CPEC), initiated in 2013, is a flagship project under China's Belt and Road Initiative (BRI), aiming to enhance connectivity between Gwadar Port in Pakistan and China's Xinjiang region through a network of infrastructure projects. The mission and vision of the CPEC are "to improve the lives of people of Pakistan and China by building an economic corridor promoting bilateral connectivity, construction, exploring potential bilateral investment, economic and trade, logistics, and people-to-people contact for regional connectivity" (CPEC Secretariat n.d.). CPEC has seen significant progress, including completing key infrastructure projects such as highways and power plants and the operationalization of Gwadar Port. It is not an exaggeration to claim that CPEC is at the core of China-Pakistan economic and strategic relations. CPEC has been instrumental in addressing Pakistan's energy shortages by adding substantial capacity to the national grid through various power projects.

The development of Gwadar Port and associated infrastructure has enhanced trade prospects, aiming to position Pakistan as a regional trade hub. Special Economic Zones (SEZs) under CPEC are expected to boost industrialization and create employment opportunities, contributing to economic growth. Zaman noted, "Pakistani government data indicates CPEC has so far created 200,000 jobs, built more than 1,400 kilometers (897 miles) of highways and roads, and added 8,000 megawatts of electricity to the national grid. The country's deep-sea southwestern port of Gwadar, the centerpiece of CPEC, handled 600,000 tons of cargo in the last 18 months, according to officials" (Voice of America 2023).

The CPEC is one of the reasons behind China's moral and political support for Pakistan over Kashmir. As a result, the alliance between China and Pakistan leads to India's hold on Kashmir being less secure. If Pakistan is confident enough in China's support, it could be emboldened to be more aggressive over Kashmir. In the scenario of an all-out war over Kashmir, a Pakistani assault with Chinese support on its side would be a serious issue for India. As a result, India is threatened and has consistently opposed CPEC. India perceives the development of Gwadar Port and its increased Chinese presence as potential security threats, potentially encircling India strategically (Rajagopalan 2022; Payeng 2024; Wolf 2019). With China being the largest economy in the world, Pakistan has a lot to gain from it, and cooperation with China is in line with Pakistan's national interests. Nevertheless, how much of the benefits from these relations has Pakistan been able to utilize?

However, the strategic tie between the Iron brothers, particularly their CPEC project, will pay off in the long run. Baluchistan, which is a region rife with terrorism, proves to be a setback

to the CPEC. However, scholars have said that economic development brought about by the CPEC would address the key socio-economic conditions leading to terrorism, particularly by reducing poverty and unemployment.

Significance of Pakistan's Gwadar for China in the Indo-Pacific

China's development of Gwadar Port serves multiple strategic interests, including strengthening ties with Pakistan through long-term projects, securing and diversifying oil routes, and enhancing access to the Indian Ocean. Additionally, Gwadar allows China to monitor US naval operations in the Persian Gulf, Indian naval activities, and Indo-US maritime cooperation (Maqsood 2021). China's dependence on the Strait of Malacca is a thorn in China's side, through which more than 70% of its oil imports pass (Paszak 2021). The Strait of Malacca is a narrow, high-traffic maritime passage. It is one of the world's most vital chokepoints, making it susceptible to blockades or disruptions. From a geopolitical point of view, China's energy supply through the Strait is exposed to potential threats from external powers, especially the US Navy and India, which have a strong naval presence in the region. In times of war or conflict, these countries could disrupt China's energy flow by blocking or attacking Chinese ships. On the other hand, the Strait remains a hotspot for piracy, creating risks for China's oil tankers, which could affect its economic stability. In addition, the reliance on a single passage (Malacca) for energy imports makes China vulnerable to any instability or military confrontation in Southeast Asia, as there are limited alternative routes.

To this end, it looks to Gwadar deep sea port in Pakistan, which will allow it to keep track of the Sea Lines of Communications (SLOCs) between the Persian Gulf and the Strait of Hormuz, giving it significant power in the area as well as allowing it to observe the collaboration between India and the US in the Indian Ocean (Hussain 2020). At the same time, it provides the likely shortest transit path for energy to China. In addition, the Gwadar port will allow China to spread its influence over the Arabian Sea and the Persian Gulf, which is important because 60% of China's oil imports come from there. Some scholars also stated that the Gwadar Port could become a Chinese naval base as part of its String of Pearls strategy, allowing it to observe the maritime affairs between India and the US (Hussain 2020).

Regarding the Indo-Pacific Strategy (IPS), Pakistan's importance to China has significantly increased. The IPS, a coalition of the USA, India, Japan, and Australia, was formed partly to respond to the growing Chinese presence in the Indo-Pacific region, especially through the Chinese Belt and Road Initiative (BRI). According to several American scholars, the Indo-Pacific Strategy (IPS) poses significant economic, strategic, and political challenges for China, as it serves as a competitor to the Belt and Road Initiative (BRI), which aims to expand China's economic and political influence (Wu and Colombage 2019).

Since India's engagement in IPS could pose a serious threat to China, it has increased naval relations with Pakistan. China and Pakistan have conducted several joint naval exercises, which work to improve the synergy between the two navies and grow the Pakistan navy's capabilities while at the same time increasing maritime security in the region (Shah 2022).

CHALLENGES TO THE CHINA-PAKISTAN STRATEGIC BOND

Security Concerns

Despite the strong strategic ties between China and Pakistan, some challenges have been identified, stemming from political, economic, security, and infrastructure-related issues and local resistance. Pakistan has had great hope that CPEC would change its economic fortune, but due to several setbacks, including attacks on Chinese workers, both nations are concerned. At least nine workers were killed in a bomb attack on a bus in Northern Pakistan in 2021, and in 2022, Chinese teachers were killed by a suicide bomber (The Times of India 2023).

The region, especially Balochistan, has experienced militant attacks targeting infrastructure projects and Chinese workers. The security situation has raised concerns about the safety of workers and the smooth functioning of CPEC-related projects, which strains relations between these two allies. China has pressed Pakistan to do more to crack down on militant groups (Siddiqui 2023). Nationalist and sub-nationalist groups and parties are also raising objections about the routes of CPEC. In addition, the sectarian violence further complicated the situation for the Chinese in building the Gwadar port as one of the crucial CPEC and BRI projects in the Indian Ocean region. Half of the main cities and districts in Pakistan have experienced sectarian attacks by Laskar-e-Jhangvi (LeJ) and Sipah Muhammad, the two main banned organizations that can be a potential danger to various CPEC projects in Pakistan. The feudal and tribal rivalries and armed clashes have also raised concerns for CPEC (Siddiqui 2019).

Political Instability

Political unrest in Pakistan is also a hurdle to implementing the CPEC. Pakistan has frequently experienced political instability, with shifts in government leading to changes in policy priorities. This has made it more difficult to maintain the long-term strategic vision of CPEC. Internal power struggles and divisions within Pakistan's political elite over CPEC benefits distribution have also caused delays and disruptions.

Economic Challenges and Debt Concerns

Pakistan's foreign debt and liabilities stood at \$100 billion in 2023, and the country was scheduled to repay more than \$26 billion during the 2022-23 fiscal year (Calabrese 2023).

The debt of Pakistan has ballooned to \$124 billion, \$30 billion of which is owed to China in 2024 (Hussain 2024). China is the largest creditor of Pakistan. The debt incurred by Pakistan through its engagement in China's BRI has significantly impacted China-Pakistan strategic relations. There are concerns that Pakistan's increasing debt, primarily to China for CPEC projects, could lead to financial instability. Critics argue that Pakistan may struggle to repay the loans, which could make the country overly dependent on China.

Infrastructure Development Issues

While CPEC has seen some progress, many infrastructure projects are behind schedule due to logistical problems, funding issues, and the technical complexity of the projects. There are concerns over the environmental impact of large-scale infrastructure projects, particularly in ecologically sensitive areas like Gilgit-Baltistan and the Himalayan foothills. The construction of roads, highways, and power plants could disrupt local ecosystems.

Regional Tensions and India's Opposition

India has consistently opposed CPEC, especially due to its passage through Gilgit-Baltistan, a region it claims as part of its territory. India's opposition has raised concerns about the long-term security of the corridor. CPEC is undoubtedly an ambitious and potentially transformative project for Pakistan and China, but these challenges require careful management and strategic foresight. The security, political, economic, and regional hurdles must be addressed through cooperative efforts, transparent governance, and long-term planning.

CONCLUSION

The rise of China and its growing influence in South Asia is evident. Due to the changing geopolitics in the Indian Ocean region and the significance of the Indian Ocean and the Bay of Bengal, primarily to protect its energy security, China has strengthened its presence in South Asia. China's relationship with Pakistan will continue to grow due to their common strategic and security interests. On the other hand, considering Pakistan's tense and enemy relations with India over Kashmir, Pakistan's national security must have a continual cement relation with China.

CPEC will remain a vital factor in China-Pakistan economic and strategic relations. Pakistan has many expectations from this economic corridor for its economic development, but instability in Baluchistan and Pakistan's declining economy have been major threats to the successful implementation of CPEC. China is also concerned about the extremism and terrorism in Pakistan targeting Chinese nationals residing in Pakistan. In recent years, attacks on Chinese nationals have increased in Pakistan. According to the military and China's embassy in Pakistan, "militants assaulted a Chinese convoy near the vital southwestern port of Gwadar, Pakistan, while it was transporting a group of Chinese nationals to a development project" (The Diplomat 2023). Any "attempt to undermine China-Pakistan friendship and the construction of the China-Pakistan Economic Corridor (CPEC) will never succeed", said a Chinese spokesperson (The Times of India 2023).

Beijing is already Pakistan's largest creditor. Although it is not evident, some claim that the Chinese control of Hambantota port in Sri Lanka for 99 years and the current Sri Lankan economic crisis is due to the "Chinese debt trap". Therefore, too much dependency on China may jeopardize Pakistan's national security in the long run, from another perspective, one may claim. Nevertheless, the assertion that China deliberately tries to put Pakistan in a debt trap is contentious and debated.

While the China-Pakistan Economic Corridor (CPEC) has certainly raised concerns about debt sustainability, it is important to consider the broader geopolitical context.

Pakistan is crucial in China's strategic ambitions, especially in the Indo-Pacific region. The deep-sea ports in Gwadar (under development as part of CPEC) are considered strategically vital, providing China with critical access to the Arabian Sea and improving its maritime security. This would help China secure alternative shipping routes for oil and goods, bypassing the Strait of Malacca, a key chokepoint. Moreover, Pakistan serves as a valuable ally in China's larger geopolitical strategy, particularly in the context of competition with India and the US. China's investments in Pakistan through CPEC are viewed in part as a way to deepen economic and political ties with the country, counterbalance Indian influence in the region, and secure access to energy and trade routes.

In short, while concerns about debt sustainability and its implications for sovereignty are legitimate, it is also clear that China's strategic interests in Pakistan are too significant for China to risk destabilizing its ally (Shaikh and Chen 2021). Both countries likely share an understanding that economic cooperation must be managed carefully to avoid creating a situation where Pakistan is unable to repay its loans or faces serious economic consequences.

The strained relationship between China and India has strengthened and deepened Pakistan's relationship with China. China and Pakistan have maintained an "Iron Brother" friendship based on their mutual interests in protecting their borders and countering the influence of their rival, India (Haider 2005).

According to the prominent Pakistani scholar Hassan Askari Rizvi (2015), "the [CPEC] project is going to be a positive turnaround both for Pakistan and the western region of China" (p. 1). As a result, this would greatly benefit Pakistan (Ahmed 2019). This suggests that although Pakistan has not yet fully reaped the benefits of CPEC and its relations with China, there is hope that it will be able to do so in the future. Therefore, while the reality of the All-Weather Friendship may not have met expectations, the future likely holds brighter prospects for both countries, especially Pakistan.

The theories of balance of power and security dilemma are relevant in understanding the China-Pakistan strategic alliance, which poses a concern for India. Both China and Pakistan are regional adversaries of India, and their military cooperation, particularly China's support for Pakistan's nuclear and missile programs, exacerbates India's security challenges. India perceives China as a key factor in its military ambitions, and as long as the China-Pakistan alliance remains, the chances for improving India-China relations are slim. The ongoing territorial disputes, particularly over Kashmir and Arunachal Pradesh, continue to fuel tensions, resulting in violence and casualties along their borders. Based on the facts and analysis, it can be argued that despite the challenges faced by China and Pakistan, these two nations will continue to maintain a robust strategic bond for their mutual interests.

CONTRIBUTOR

The author contributed solely to the intellectual discourse that forms the foundation of this article, as well as its writing and editing, and assumes full responsibility for its content and interpretation.



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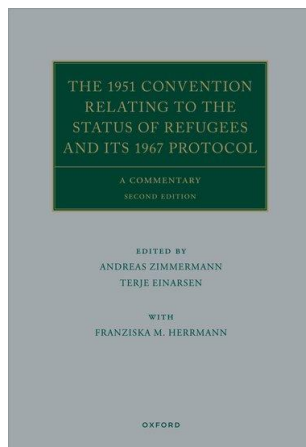
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The 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol (2nd Edition)

Edited by Andreas Zimmermann, Terje Einarsen, and Assistant Editor Franziska M. Herrmann
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The second edition of “The 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol” is an authoritative and comprehensive guide to one of the most critical international legal frameworks on refugee law. This new edition, edited by Andreas Zimmermann and Terje Einarsen with contributions from internationally located experts of diverse backgrounds, builds on the foundation of the former and provides new and extended insights indispensable for scholars, practitioners, and policymakers in refugee protection. The interdisciplinarity of the editors also contributes to the international strengths of the work. The book significantly contributes to bringing out diverse perspectives by integrating 53 contributors from diverse fields and countries.

It enhances the analysis and reflects global refugee issues to a considerable extent, providing a much broader view of where the 1951 Convention stands concerning other areas of international law, such as human rights and humanitarian law. For instance, the edition includes new chapters on global developments in refugee law and regional developments worldwide, reflecting the increased complexity and interconnection of refugee issues globally. These new chapters shed light on how the 1951 Convention interacts with other international legal instruments, including human rights treaties, and how it has been adapted to respond to contemporary challenges in different regions. The new chapters in the book substantiate the editors’ aim to give a panoramic and contemporary view on refugee law; it is, therefore, a must-have for all students and scholars.

One other characteristic of this edition is the inclusion of updated jurisprudence. Drawing from a wide array of domestic and international case law, the book keeps readers apprised of the most recent legal interpretations and applications of the Convention. This is invaluable for the legal practitioner who needs updated and relevant examples of how refugee law is used in different jurisdictions. It also consolidates later practices by states and the related jurisprudence of international human rights courts and bodies, providing a complete roadmap

for a practitioner in refugee status determination. This latest edition builds further in this regard by discussing global and regional developments in refugee law as well. Then, it expands on the influence of new chapters where instruments such as the Global Compact on Refugees and other regional agreements like the Cartagena Declaration are causing significant impacts on the refugee protection frameworks in various regions of the world. Furthermore, these additions make this book even more relevant in the present global context by conferring its readers with an overall integrated view regarding how refugee law interacts with other areas of international law: human rights and humanitarian law.

Notwithstanding so many plus points, the book is not free from limitations. The only thing that could have been better in this commentary is some interface with contemporary challenges in refugee protection. While offering a sound legal analysis of the Convention and its Protocol, the book lacks depth in engaging emerging issues such as climate change-induced displacement, the role of non-state actors in refugee protection, and increasing resort to deterrence measures by states. Including them is an immediate key issue that is helping to shape the face of future refugee law; thereby, its omission will date this commentary out of relevance to current and future discussions.

The book is highly detailed and specialized, making it both a strength and a potential weakness. While the in-depth analysis is invaluable for field experts, the commentary's complexity may make it less accessible to non-specialists or those new to refugee law. Future editions could consider ways to make the content more approachable, such as by including summaries, key points, or glossaries that explain legal terminology for a broader audience. Bridging academic and practical applications of refugee law in this way would enable the book to be a versatile resource.

A further area of potential weakness is accessibility to a broader academic readership. The depth and detail of the commentary are significant strengths for specialists but might present an impediment to non-experts or those new to the field of refugee law. It is one, however, in which the complex legal analysis, combined with a high assumption that readers will already possess pre-existing knowledge on most of the topics, limits its value for general introductions. For future editions, it would be recommended to introduce more accessible summaries or key points at the end of each chapter so that the text becomes more available for introductory purposes without necessarily diluting the scholarly rigor.

Another area for improvement is the geographical focus of the jurisprudence and the examples provided. Even though it purports to have included worldwide developments, a large part of the included jurisprudence and analysis focuses on Europe and North America. Given that most of the world's refugees are being hosted in the Global South, there is room for it to pay better attention in future book editions. A more balanced and complete view of this would have been reached had the work integrated within more case studies and examples from countries in Africa, Asia, and Latin America in the context of both the 1951 Convention and the 1967 Protocol.

This book is a monumental contribution to the field of refugee law. Indeed, its comprehensive coverage and updated jurisprudence, including global and regional developments, will make it a standard reference for anybody engaged in the study or practice of refugee protection. The future editions should revise the material to have more discussions about modern challenges that could render the content more valuable and relevant, remove the

complexity so that non-specialists can understand things better, and increase the geographic focus to pull in more perspectives from the Global South. These minor elements aside, the second edition is as indispensable for anyone wishing to come to grips with the current shape of international refugee law as was the first.

As excellent as this book is, a later edition would enable a few further gaps in the scholarship to be patched up. One important gap that may well be considered is that the book has afforded very little space to the climate change phenomenon and its effect on the movements of refugees. As environmental causes become the leading drivers of displacement, the community of jurists wonders how such persons could be protected under the law when compelled to flee because of climate events. This edition treats the topic lightly, leaving a significant body of research that we hope will receive more complete treatment in future works.